

**WAYS AND MEANS
and
CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means and Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **April 6, 2004**.

-

MEMBERS PRESENT:

Legislator Cameron Alden - Chairman

Legislator Andrew Crecca - Vice-Chair

Legislator William Lindsay

Legislator Lynne Nowick

Legislator Peter O'Leary

MEMBERS NOT PRESENT:

Legislator Vilorio-Fisher

Legislator Elie Mystal

-

ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature

Jim Spero - Director, Budget Review Office

Charles Gardner - Director of Consumer Affairs

Ilona Julius - Clerk's Office

Ivan Young - County Executive's Office

Bill Faulk - Aide to Presiding Officer

Warren Greene - Aide to Legislator Alden

Ed Hogan - Aide to Legislator Nowick

Frank Tassone - Aide to Legislator Crecca

Pat Zielenski- Real Estate Division

Lynne Bizzarro - County Attorney
Jeff Tempera - Director of Labor Relations
Ken Knappe - County Exec's Office
Ben Zwirn - County Exec's Office
Lee Lutz - Campaign Finance Board
Richard Johanneson - Suffolk County Ethics Commission
Stephen Ukeiley - Village of Northport
Raymond Gontasz - Suffolk Information Services
Robert Donnelly - Suffolk Information Services
John D'Amico - Comptroller's Office
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:35 A.M. *)

CHAIRMAN ALDEN:

Good morning. Welcome to the Ways and Means, Consumer Protection Committee. We're going to start with the Pledge, and we'll have that led by Legislator O'Leary.

SALUTATION

CHAIRMAN ALDEN:

We're going to ask for a moment of silence. There's been a couple of deaths actually for people that work in the Legislature and in County Government. And Warren Greene, my aide's, mother just passed away. And I understand that Paul Sabatino's mother passed away either last night or this morning. I'm also going to include for some of those that were recently killed in Iraq and some of the Afghanistan operations.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. Okay. We've got three public hearings that are scheduled for this morning.

PUBLIC HEARINGS

1137-2004. Adopting Local Law No -2204, a local law to amend County Consumer Protection Policy for recipients of gift certificates. (LINDSAY).

CHAIRMAN ALDEN:

1137 is the first one on. I'm going to ask a representative from the Clerk's Office, was the legal postings made on this and the advertisements?

MS. JULIUS:

Yes, Mr. Chairman.

CHAIRMAN ALDEN:

And you have the documentation on that?

MS. JULIUS:

I do.

CHAIRMAN ALDEN:

Thank you. I don't have any cards on this; anyone want to address this committee? Okay. I'll entertain a motion.

LEG. LINDSAY:

I'm going to close the public hearing, but I'm not sure if we're going to move that next week, we're still working on it.

CHAIRMAN ALDEN:

Motion to close the public hearing, motion by Legislator Lindsay, seconded by Legislator O'Leary. All in favor? Opposed? That public hearing is **CLOSED. (VOTE:5-0-0-2) (Not Present: Legis. Viloría-Fisher and Legis. Mystal)**

1237-2004. A Local Law reforming and strengthening of procedure used in connection with the "DWI Seizure Law." (ALDEN)

CHAIRMAN ALDEN:

I don't have any cards on that. Again, were the proper advertisements made for this?

MS. JULIUS:

Yes, Mr. Chairman.

CHAIRMAN ALDEN:

And you have the documentation?

MS. JULIUS:

Yes, I do.

CHAIRMAN ALDEN:

Does anyone want to address the committee on that? All right? I'm going to make a motion to close, seconded by Legislator Nowick. All those in favor? Opposed? That public hearing is

CLOSED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal)

1278-2004. A Local Law amending Local Law No. 20-2002 to provide accurate and truthful disclosure of County election campaign finances. (BINDER).

CHAIRMAN ALDEN:

I have one card, Mr. Lee Lutz. Good morning.

MR. LUTZ:

Good morning. Follow lengthy debate, this Legislature approved IR 1391 in September of 2002. That measure, sponsored by Legislator Jon Cooper, mandated that the Campaign Finance Board receive duplicate copies of campaign disclosure statements from all candidates from County office and political committees supporting them. The intent was to promote public disclosure by promptly posting this information to the board's website for public viewing, a goal which has been subsequently achieved.

The bill also included a second mandate; electronic filing system or ERS to instantly provide public access to this vital information as soon as the required software was provided. That date arrived two weeks ago when the County Executive and Legislator Cooper joined the Campaign Finance Board in announcing the roll out of Suffolk's EFS for campaign finance disclosure. Two informational meetings have already been held for the Committee Treasurers instructing them on the use of the new system and data will begin to be uploaded into its data base.

This Legislature should be proud of yet another example of national leadership. This system is, to the best of our knowledge, the first mandatory system for electronic campaign finance disclosure on the County level in the whole country. Similar systems exist on the Federal, State and city level and more are being created every year, but Suffolk is the first County to mandate electronic filing for the benefit of its residents.

Legislator Binder has now introduced IR 1278 that would move the responsibility for Suffolk's EFS from the Campaign Finance Board, which has now created it and is enthusiastically promoting its use to the Board of Elections in Yaphank, which has indicated no desire to implement such a system. In fact, immediately after passage of the 2002 bill, the board contacted the BOE to seek their input and cooperation in implementing the program for Suffolk's residents; they never responded. It may be of interest to the Legislators that the Technology Division of the New York State Board of Elections in Albany cooperated fully with the Campaign Finance Board in creating the new system for Suffolk.

The Campaign Finance Board opposes Resolution 1278 for at least two reasons. First, since the BOE has indicated no desire to be involved in the County's EFS, after being transferred the system may not be used utilized, robbing the voters of an important tool for democracy, not to mention waisting the relatively small expenditure the taxpayers have already made to create it. Second, since the local Board of Elections is a State entity, there is some doubt that this Legislature has the authority to impose any mandate on it. Legislation in years past has demonstrated this situation. So passage of this bill would likely result in no EFS being available at all.

The board would remind the Legislators that during the 2002 debate over IR 1391, Legislator Binder introduced a competing measure that would have placed the responsibility with the EFS with the Board of Elections. After due consideration, a majority of Legislators rejected that approach and approved the one that has resulted in the creation of the system now in place. The approval of IR 1278 would, therefore, constitute a reversal of this Legislature's previous wise decision.

The board would further remind the Legislators that several of the opponents of public financing of campaigns during the years of debate in this Legislature that finally led up to its approval in 1998 stated that the public financing was unnecessary since full public disclosure would solve

any problems with the campaign finance system. Since public financing remains unfunded in Suffolk, it seems logical that full, even enhanced disclosure is more important than ever. Even those that oppose public financing of elections should oppose a measure likely to reduce campaign finance disclosure.

In the section of his bill entitled "Legislative Intent," Legislator Binder states, quote, that "it is in the best interest of the residents of Suffolk County and candidates for public office in Suffolk County to have full, accurate and truthful disclosure of County election campaign finances," end quote. The board agrees and suggests that if such a goal is to be achieved, the already approved measure placing the responsibility for the EFS with the Campaign Finance Board must be maintained. The board calls on this committee to defeat IR 1278. Thank you.

CHAIRMAN ALDEN:

Okay. I have a list of Legislators that wanted to ask some questions. Legislator Crecca is on the head of the list.

LEG. CRECCA:

Mr. Lutz, you indicated on several occasions that the Board of Elections indicated that they have no desire to do this. I guess, my question is twofold. One is what indications do you have that they have no desire to do this?

MR. LUTZ:

Well, as I stated in my statement, beginning immediately after -- actually, I should say before the passage of 1391 back in 2002, I had contacted the staff at the Board of Elections indicating the Campaign Finance Board's desire to implement such a system and to get their feedback, to ask for their support and assistance and, in fact, suggest that this would be a project best undertaken by both together since we both have some responsibility in the area of campaign finance. Formal letters were sent to the Commissioners immediately after the 2002 approval followed up by voice messages, followed up by e-mails, and I managed to get one the Commissioners on the phone, who perhaps accidentally answered her own phone and said that the letter was received, had not been reviewed, and I would be hearing from them, and the subsequent e-mails and voice messages went unanswered. I can only --

LEG. CRECCA:

What was that?

MR. LUTZ:

-- conclude that they didn't have an interest in pursuing the matter.

LEG. CRECCA:

That was when, back in 2002?

MR. LUTZ:

That was late 2002 and going into January and February of 2003.

LEG. CRECCA:

Have you had any recent conversations with them regarding this?

MR. LUTZ:

I have had -- I communicated with the two Board of Elections' representatives for campaign finance, Betty Manzella on the Republican side and Rich Catanzaro on the Democratic side regarding our progress as we were moving along towards the adoption of the program. And more recently to let them know about the fact that the system was being rolled out and that informational meetings were being held to instruct treasurers in the use of the meeting. So there's been recent contact, but no further indications from them of any desire to cooperate.

LEG. CRECCA:

I don't understand, because I have had a number of conversations with one Commissioner who has also informed me that they've spoken to the other Commissioner, and they've actually, you know, indicated more than willingness to do this. So that's the only reason why I say it.

MR. LUTZ:

I would wish they had communicated that desire to cooperate a year and a half ago, because this project would have most logically been done together with them in cooperation with them and been installed so that both the us could benefit by its implementation.

LEG. CRECCA:

Has the Campaign Finance Board or yourself as Executive Director, have you ever met with the Commissioners.

MR. LUTZ:

On several occasions.

LEG. CRECCA:

When was the last time that you met with the Commissioners?

MR. LUTZ:

Oh, it was a couple of years ago. Not recently.

LEG. CRECCA:

Has the Campaign Finance Board ever met with the Commissioners?

MR. LUTZ:

Yes.

LEG. CRECCA:

How long ago was that?

MR. LUTZ:

Again, a couple of years ago.

LEG. CRECCA:

I have nothing else.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

Good morning, Mr. Lutz.

MR. LUTZ:

Good morning.

LEG. NOWICK:

Just to set the record straight, because I know that there are many people that are not familiar

with this bill, and just -- I need to ask you a question. If this bill was considered, would there still be full disclosure even if it went -- would it be a matter of just who is putting on to the data base? Would there still be full disclosure either way whether it went to Campaign Finance Board or whether it went to the Board of Elections?

MR. LUTZ:

Unfortunately, I don't think there's a yes or no answer to the question.

LEG. NOWICK:

Would there be any -- what would be the difference?

MR. LUTZ:

Well, first of all, you need to define full disclosure. The way the Campaign Board has chosen to proceed is in -- as per the mandate of the law that created the board, that this information should not only be public, which the disclosure forms that your committee treasurers have submitted for years and year are public information, but they're not readily available to the public. And the mandate of the Campaign Finance Board was to make that information readily available and we chose to do so by creating the data base on the website that you're, I'm sure, familiar with. The Board of Elections is not required to do that. And their requirement as far as I know is simply to receive the information, make sure it's complete and to maintain it on file for the public to access if and when they may chose to do so.

LEG. NOWICK:

Maybe I can ask Legislative Counsel; in this bill, would the Board of Elections have to put this on a data base for the public, is that how it reads?

MS. KNAPP:

Yes.

LEG. NOWICK:

All right, so that's the same. But it still full disclosure, just so I know, when it comes time to vote on it, there's no difference as to what information is going out to the public; is that correct?

MR. LUTZ:

No. The information that is to be made available by whatever means is the information that is dictated by law, State Election Law. So it's all the same.

LEG. NOWICK:

All right. So the only difference in this bill is that the Board of Elections puts it on the data base rather than Campaign Finance Board; is that correct?

MR. LUTZ:

Theoretically. The board, as stated in our statement, is concerned that that may not happen for a couple of reasons, one of which, of course, is the fact that, as I mentioned, I'm not at all certain -- and perhaps Counsel could address this -- whether or not this Legislature has the ability to mandate the Board of Elections to do anything since they are, in fact, a State entity whether or not, you know, in fact they are funded by the County taxpayers. There has been previous experience where the Board of Elections has ignored legislation directed at it and we're concerned that that would happen again. And in fact, the readily available publically disclosed electronic filing would cease to be available to the public and a detriment to democracy because that information is important to be readily available.

LEG. NOWICK:

But you say it's a state mandate, so -- to put this information.

MR. LUTZ:

No. It's a State mandate to report it.

LEG. NOWICK:

To report it.

MR. LUTZ:

Putting it up on a publically accessible website is a mandate from the Campaign Finance Board from the original 1998 referendum approved by the voters.

LEG. NOWICK:

All right. I just wanted to make sure that this law -- because when it comes time for me to consider it, I want to make sure that the Board of Election needs to put this on the data base, and I think I've got that answer.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Yeah, if I may. Just so we're clear, you're saying it's the Campaign Finance Board that authorizes it to be posted in public disclosure; that was this Legislature that passed a resolution to that effect, was it not?

MR. LUTZ:

I was referring back to the original referendum from 1998 approved by the voters in which there are a number of tasks that the Campaign Finance Board is mandated to provide to the Suffolk County, one of which is a computer data base of campaign finance disclosure for public access. And that mandate was the reason that, in fact, the board created and started to -- and made available to the public starting back in 2001, the data base that you are familiar with now. The board's opinion is that the electronic filing system is simply the next logical step in bringing that data base into the 21st Century.

The law that was passed in 2002, the important thing that it did besides temporarily providing the duplicate copies of paper filing be provided to the Campaign Finance Board, was that an electronic filing system be created and that when it was implemented, utilizing it would be mandatory, that the committee treasures would be required to use it for the benefit of the public here in Suffolk County.

LEG. CRECCA:

Would you be willing, if the time came, to share whatever work or knowledge that you gained as a result of producing this software for the electronic filing with the Board of Elections should this Legislature as a policy matter decide to they are the body who will post it on the internet and do public disclosure?

MR. LUTZ:

The letter that I drafted to the Board of Elections a year and a half ago, which went unresponded to, offered the Campaign Finance Board and my help in -- and assistance. I had done a great deal of research, I had already came up with a great deal of information regarding how these systems worked and the best way to implement them. I offered then to share our information.

It was my intention at that point hopefully to enlist their cooperation in doing this together, and I'd be more than happy to continue to do that.

LEG. CRECCA:

Thank you. I have no further questions, Mr. Chairman.

LEG. O'LEARY:

I have a question.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Mr. Lutz, does the Campaign Finance Board have the authority to establish policy?

MR. LUTZ:

Policy for itself. I'm not sure if I understand the question.

LEG. O'LEARY:

Well, establishing policy regarding the enforcement of the provision itself as it pertains to the legislation passed.

MR. LUTZ:

As I understand it, the legislation passed provides no authority to the board whatever for enforcement, only for disclosure.

LEG. O'LEARY:

All right. Is there then an unofficial policy within the Campaign Finance Board of establishing perhaps a working relationship with the treasurers of the various committees?

MR. LUTZ:

That's not a matter of policy, it's been a matter of practice. I have had a working relationship with many of the committee treasurers ever since we started doing this.

LEG. O'LEARY:

And along those lines, if there were some discrepancies found in the filings submitted by treasures, would you contact them and advise them of same?

MR. LUTZ:

I have done so many times.

LEG. O'LEARY:

You have?

MR. LUTZ:

Oh, yes. Yes.

LEG. O'LEARY:

Okay.

CHAIRMAN ALDEN:

Okay. Thank you. Anybody wish to address us on 1278? This is a public hearing.

MR. LUTZ:

Thank you very much.

MS. BIZZARRO:

Yes, I do. Lynne Bizzarro, Chief Deputy County Attorney. Good morning. I just wanted to make the Ways and Means and Consumer Protection Committee aware of just two matters on this bill. Excuse me. There's a reference to Charter Law Section 41-7 H in the bill that I believe needs to be omitted if you're going to eliminate the requirement to file the campaign finance statement with the Finance Board, because that's how that whole tie-in goes with -- that the finance statements are necessary for the proper administration of 41-7 H. 41-7 H is the statute that set up the Campaign Finance Board. So that would be my recommendation on that.

LEG. CRECCA:

Where in the bill?

MS. BIZZARRO:

It's Section A 30-11 A 2, last sentence you will see the tail end of it references it. In addition,

after looking at some research, the County -- it looks like the County cannot enact a law requiring the electronic filing of campaign statements with the Board of Elections. That has been preempted by statute, Sections 3 and 14 of the Election Law dictate how campaign statements are to be filed. There is reference in the law that any contributions or expenditures over a thousand dollars are to be put in the finance statement, which must be electronically filed. So there is already provisions in the state law regarding this. And that's exactly what this new bill is doing, it's basically taking away what the state has already done. So those are just my two recommendations.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

When you say it takes away, doesn't it just supplement the State law and puts an additional requirement -- local requirement? Because the State law -- obviously, we don't file with the State, we file with our County Board of Elections pursuant to State law as County candidates.

MS. BIZZARRO:

Right. But then the State law dictates regarding the requirements, the filing retirements, for our local Board of Elections.

LEG. CRECCA:

Does this change any of those -- this only supplements though.

MS. BIZZARRO:

It adds -- you know, it requires the filing and it doesn't have any type of a cap on it. In my reading of Section 3 of the Election Law, there was -- let me just read it to, there's an intertwining of Section 14-102 of the Election Law, there's rules and regulation, Sections 6200.2 on the filling and also Section 3-102 of the Election Law. Section 9 A 1, that states that -- that the Board of Elections can develop an electronic reporting system and that any committee which is required to file statements with the State Board of Elections regarding expenditure of more than \$1000 shall file the statements pursuant to the electronic reporting system prescribed by Section 3-102.

LEG. CRECCA:

Now, that applies to anyone that has to do State filing.

MS. BIZZARRO:

State filing.

LEG. CRECCA:

County candidates don't file with the State, do they?

MS. BIZZARRO:

The -- Mea, have you taken a look at this, at this bill? I'm just asking.

LEG. CRECCA:

I'm just saying that what you read, I'm sure, you know, is right out of the statute, but there are different requirements -- you know, County candidates, I can tell you as a matter of law, do not file with the State, we file with the local Board of Elections. So I think that your citation and your interpretation is incorrect in that regard with regard to, you know, State filings.

MS. BIZZARRO:

The resolution specifically states that as are required to be filed with the Suffolk County Board of Elections pursuant the Article 14 of the New York Election Law.

LEG. CRECCA:

Right. No one's arguing that we have to file with the County Board of Elections. All I'm saying to you is I ask you to take another look at this preemption issue, because I believe that preemption doesn't apply here, because we're not -- we're only supplementing the requirements of filing with the County. We're actually creating a higher standard here in the County then the state law requires. And I believe that that is not an issue of preemption. We can certainly require our candidates to do more than the state statute, we just can't change or make it less.

MS. BIZZARRO:

I stand corrected if I'm making the wrong analysis here.

LEG. CRECCA:

Thank you.

CHAIRMAN ALDEN:

Anyone else? Legislator Lindsay.

LEG. LINDSAY:

Of Counsel, the whole issue here is can we mandate the Board of Elections to do something? Do we have the authority to mandate our local Board of Elections to this?

MS. BIZZARRO:

As far as the electronic filing is concerned.

LEG. LINDSAY:

We do?

MS. BIZZARRO:

Right. And that is what -- and I apologize that --

LEG. LINDSAY:

What about Mr. Lutz's statement about the Board of Elections subject to State jurisdiction?

MS. BIZZARRO:

I'm sorry. I don't understand your question.

LEG. LINDSAY:

Well, he stated before that we can't mandate the Board of Elections do something, that they are under the jurisdiction of the State. And I think that goes to the heart of the legislation.

MS. BIZZARRO:

Right, correct. Like, can we require an electronic filing, right, that may already be something that the State is taking care of, correct, and that is what I'm addressing. And Mr. Crecca just indicated that --

LEG. LINDSAY:

But if we pass this bill, can the Board of Elections say we chose not to follow that, though?

MS. BIZZARRO:

Perhaps, perhaps, and that's my reading of it. But I want to take another look at it, and I apologize to the board here. I just looked at this last night and this morning, and I'm seeing what Mr. Crecca is saying, and I would like to get a more distilled picture on the legal issue. And I just want you to be aware of that.

CHAIRMAN ALDEN:

One further note of clarification. Both Commissioners have indicated to my office that they would take on this, and they'd be more than happy to implement this policy. They support this legislation.

LEG. LINDSAY:

Mr. Chairman, I don't think that's the issue. The issue is whether we can mandate the Board of Elections to do something, and I'm honestly asking can we or can't we.

CHAIRMAN ALDEN:

Part of your statement was that -- and the question you asked Ms. Bizzarro was could they turn around and say no, that they don't want to implement it. And, you know, if we take care of the first part of the question, the second part becomes almost moot, because they have indicated they would be more than happy to do this and do support this legislation.

LEG. LINDSAY:

Okay, but that's the current Commissioners. I just want to know can we dictate to the Board of Elections policy?

CHAIRMAN ALDEN:

from my reading of the law, I believe we can. But we all have to make up our minds on that. All right. Anybody else want to address this committee on 1278? We're still in public hearing. All right, I'll entertain a motion.

LEG. CRECCA:

Motion to close.

CHAIRMAN ALDEN:

Motion to close by Legislator Crecca, second by myself. All those in favor? Opposed? All right, 1278 is **CLOSED (VOTE: 5-0-0-2 Not Present: Legis. Vilorio-Fisher and Legis. Mystal).**

We are done with the public hearings. We have public portion. Richard Johanneson. And in the public portion part, we have three minutes.

MR. JOHANNESON:

Mr. Chairman, my name is Richard Johanneson. I am Chairman of the Suffolk County Ethics Commission. I am coming to talk to you today about three resolutions that are on the tabled resolution portion of your agenda, that's 1194, 1195 and 1196. All three resolutions relate to the operation of the Suffolk County Ethics Commission and the Suffolk County Ethics Code. 1194 is a resolution that was put forth by Legislator Binder, which I think quite frankly is an interesting start. What Legislator Binder is attempting to do with amending Section 2, adding a Subsection E of A 30-8 is, he is trying to set a standard that would limit potential conflicts of interest between folks who are either appointed, exempt officers or employees of the County of Suffolk and also representing people would potentially could have business before the County of Suffolk and seeking out legal assistance from the either exempt employees or employees of the County of Suffolk.

I think it's a good start, however, I think the problem with the bill or the resolution is that it only focuses on lawyers and it doesn't focus on any other professional who may also have a potential conflict of interest with their professional employment with the County of Suffolk. I do urge you to pass that, however, I'm going ask Legislator Binder to consider expanding that bill so that we don't only limit the potential of conflict of interest between employees and lawyers, but employees and any other professional who may have a conflict of interest with the County of Suffolk.

The second resolution before you that I want to speak about is 1195. 1195 is propose by the County Executive, and he is recommending that Section 2 B-1 be amended. I'm also recommending that this committee pass that as well. The reason this is necessary -- by the way, right now what's happening is when somebody requests disclosure or a financial disclosure form, a large portion of the form is whited out. There is no discretion on the part of the commission to determine whether or not the whited out portion of the form should, in fact, be whited out. The presumption is that it should be whited out. This bill would change the presumption. The presumption would be that the bill would not -- I'm sorry, the financial disclosure form would not be whited out in the event that there was a request for the -- for the financial disclosure form.

However, the form does permit the person who is the filer of the form to make a request of the commission to maintain the whited out portion of the form in the event that it would in some way violate the privacy of the filer. So it does provide for the protection of the privacy rights the filer, and at the same time, it does allow full disclosure to the public. It's particularly important at this juncture that this bill be passed simply because the Ethics Commission has not had the resources that we've needed to fully evaluate the 500 plus forms that we're required to evaluate each year. This would allow others, for example, the press or people in public who are interested in reviewing these forms to get all of the information they would need to point out potential conflicts of interest.

The last resolution I'd like to talk to you about is 1196. 1196 is a resolution that was also put forth by the County Executive, and this was upon recommendation of his Ethics and Reform Commission, which I was a co-Chairman of with Mike LoGrande and with Jim La Rocca. And one of the concerns that transition team had was, well, who are the folks who are sitting on the ethics Commission and how do we know they don't have conflicts. And the amendments that are proposed in this bill would clearly define who can and cannot serve on the Ethics Commission, it would clearly clarify any potential conflicts between the folks who are sitting on the Ethics Commission and family members or other people who may be employees of the County of Suffolk. Any questions?

CHAIRMAN ALDEN:

Yeah. 1195, you spoke in favor of?

MR. JOHANNESON:

I did.

CHAIRMAN ALDEN:

All right. I have a personal situation where I am trustee for my brother and sister. Why should their financial information have to be disclosed automatically to the public at large? And it does under this.

MR. JOHANNESON:

That information would not have to be disclosed. If someone were requesting your form, for example, and you had sent what would happen as a matter of law is you would be informed that somebody was requesting your form. You would then have the opportunity to describe to the

commission why this would be a violation of brother's or sister's privacy rights and the then commission would have the right to white out that provision. And quite frankly, if I were asked the specific question that you were asking me, I would white it out, because there would be no reason to disclose your siblings' information.

CHAIRMAN ALDEN:

This legislation if passed actually puts me in a very, not an awkward spot, but a very concerned spot because there's other people in Suffolk County that have the same concerns that I would have. And where other family members might inadvertently be brought into disclosure, you know, I don't really see -- until this protection is put in for those situations, I don't really see where that's fair to bring, you know, like, other members like that. So at that point in time, I don't really support this unless it's amended a little bit to actually protection those innocent people.

MR. JOHANNESON:

I think it's important to point out that all this bill is doing is changing the presumption. It is not changing the right of the filer to seek the protections that you are seeking. It doesn't prevent you from under Subsection F of the form making a request that the privacy rights of your family be protected, it just changes the presumption.

CHAIRMAN ALDEN:

That concerns me. Okay. Legislator Crecca, then Legislator Nowick.

LEG. CRECCA:

Rich, I guess the idea behind the law originally was -- or I would presume, is, for example, let's say I own Microsoft shares, and I'm a County employee doing a disclosure, it's the potential -- and we're voting on something say that benefits Microsoft here because we're going to buy software from Microsoft systems, I guess it's the -- what creates the conflict is not how much of Microsoft I own, but the fact that I own Microsoft or the appearance of a conflict, am I correct in that?

MR. JOHANNESON:

I think that's part of it. I mean, I think the spirit of the law, and there really hasn't been a whole lot of discussion about what the spirit of the law is, because the Ethics Commission really hasn't had the ability to function that way the statute envisioned. But essentially what the

Ethics Commission is supposed to do is -- to use a loose analogy -- is work sort of like the Drug and Alcohol Committee at the Bar Association. We're not supposed to be a public entity, we're really supposed to be doing our work quietly and we're supposed to have the opportunity to review these forms and these reports and make recommendations about potential conflicts. Hopefully, if we're doing our job, we'll be able to ferret out some of the problems that, you know, we're now facing, for example, with Legislator Towle and some of the problems that the Gaffney Administration faced.

I think a well drafted form with -- with resources that would allow us to evaluate the potential conflicts of interest that would be apparent in those forms, would, I think, prevent the kinds the conflicts or appearance of impropriety that -- that are now resulting in all the scandal that we're now seeing.

LEG. CRECCA:

This bill -- and we support you on that as we did yesterday in the Budget and Finance Committee, and I think we'll continue, because I think those are the right goals, and those are the goals set up under the statute and we want to do that. I guess my question goes back to though, you would still have access as a board member -- as a Commission member I should say, have access and you would see all those things anyway. But I guess my question is it's the -- in comparing it to, you know, professional codes of ethics and things like that, what creates the conflict is not how much in my example of how much of Microsoft I may own, and by the way, I have no problem here, because I have, like, no major stock holdings whatsoever, so it's not an issue. But I guess the question is what creates the conflict is not how much of something you own or how much you may own in the particular business, it's the fact that you have some sort of fiduciary or financial interest in it. And I guess, I don't see where the need is, if I was a millionaire, where the public disclosure of me being a millionaire is necessary as opposed to what I own.

MR. JOHANNESON:

I think the conflict that you are defining is just one type of conflict that we're concerned about. I think part of the -- part of the spirit of 1195 is that it also puts the filer on notice that others are watching. It is sort of like light is the best antiseptic. We're really looking to make sure that everyone knows that we're looking, not just the people on the commission, but members of the public are looking to make sure that there are no conflicts of interest. And it's not just your vote

as a Legislator -- let me just complete this thought. It's not just your vote as a Legislator, but it's folks who are lobbying you, folks who are asking you to try to make policy changes or administrative changes or any other type of change. So the disclosure is not just whether or not you are a millionaire or whether you have Microsoft or whether you have folks have any, because there are many people who are serving in other positions who are not elected officials who will a potential conflict of interest. And if they're required to disclose and know they are required to disclose these potential conflicts of interest, it's less likely that the people who are reaching out to them who may try to put them in a conflicted position are going to be successful in doing that.

LEG. CRECCA:

Rich, they are currently required to disclose, correct?

MR. JOHANNESON:

They are.

LEG. CRECCA:

Okay. So it's not a matter of disclosure, it's a matter of what somebody FOILING one of these document can see or not see.

MR. JOHANNESON:

Right.

LEG. CRECCA:

I guess, if you can focus on the scope of my question, what creates the conflict is, you know, we list -- anyone who has to file this pursuant to County law has to list their assets and their liabilities any interest they have and positions they hold. I guess my question is where does the dollar figures, which is now, it's my understanding, is the only thing that's whited out is the financial amount, not what the interest is, how does that make a difference to a FOIL request.

MR. JOHANNESON:

I understand your question. The spirit of the law is not only for the commission to review the financial disclosure forms, the spirit of the law also encourages others in the community to evaluate the financial disclosure forms. Quite frankly, on most cases it's just the media that's doing that. But it also allows the voting public to evaluate those forms as well. And they are

provisions in the code to allow members of the public to make requests for opinions or complaints to the Ethics Commission about potential conflicts of interest. So the information that would be provided to the public, assuming it would not in some way be embarrassing to the filer, would allow is more fruitful evaluation of the -- of the form. And quite frankly because the form doesn't give information with the finances to the person who is seeking the information, they may not understand that there is a conflict of interest, because there's a big difference between a potential relationship that would enure a \$50 benefit versus one that would be a \$200,000 benefit, and by having that information, they may feel differently about potential conflict of interest.

LEG. CRECCA:

Under the current rules and regulations regarding disclosure to a member of public who FOILs these or makes a request of these, if they -- you can still take out the white out -- the whited out portion if they show a reason why they need that; is that correct?

MR. JOHANNESON:

Correct.

LEG. CRECCA:

Okay.

MR. JOHANNESON:

I think it's important to note that when I was -- when I was studying the history of the white out provisions of 1995, prior to the Gaffney Administration, there was no whiting out. It was 12 years ago that the Ethics Commission began to interpret that statute that required the whiting out. So it really is a recent -- recent interpretation of the statute that required the whiting out, not the, quite frankly, the historical interpretation of the statute. And I think it's intention of the statute to go back to the prior --

LEG. CRECCA:

I just think that -- and I'll leave it at that, Rich -- is that -- and I'd ask you to just really take a hard look at this, but, you know, we're talking about disclosing County employees how many they owe to credit cards, you know, how much they may have in bank accounts and where those bank accounts are, questions regarding -- you know, financial arrangement regarding divorces and things like that. And you know, short of -- I am all for full disclosure and we are providing

full disclosure right now, and I'm all for them having to show where they have those interests, I don't see the relevance in disclosing the amount. And if someone owes a lot of money to a credit card, for example, I don't see the relevance of letting the public -- because what will happen is the media or the public can then use that information in ways that have nothing to do with ethics, okay, to disclose that information. And I think that's unfair, and I think that's just going to discourage more people from working for the County or going into public service and serves no legitimate ethical purpose. Right now I think that form, and we've talked about this before, needs some serious overhauling in the sense that it's very confusing and conflicting with itself. I think the Ethics Commission will address that. But I don't see the need to disclose dollar amounts. And certainly if there is a particular reason, the Ethics Commission has the authority currently to disclose amounts if they think it's relevant. So I think we're covered already, and I just don't see a need for -- this goes a little too far for not protecting our employees.

MR. JOHANNESON:

If I can just follow up, and that is if we are given the resources that we need to do the job that the statute envisions, then I agree with you. But until yesterday, we clearly didn't have the resources, and yesterday, we only got through committee. We haven't had an executive director despite the statute requiring or mandating the appointment of executive director. And quite frankly, we really haven't had the rest of the resources that we've needed to uphold our mandates under the -- under the statute, and I went over those with the -- with the committee that I appeared before yesterday. And I can provide copies of the statute for the rest of you are interested in looking at what our mandate is and how we haven't been able to fulfill our mandate. If we are given the resources we need with the confidentiality provisions of the statute, I think we can have the best of both worlds. But we're not there just yet.

And I think one of the reasons why the reform and ethics -- I'm sorry, the reform transition team committee was interested in pushing forth this type of legislation was because it was clear when Dr. Gittelman, who's here today, and Mr. Armentano, who are the other two commissioners came before us, it was clear that they didn't have the resources that they needed. And there was -- there was the belief that we needed to find a way of allowing the public to have more information so they can have input if we were unsuccessful in getting resources. But as of yesterday, I feel a lot more comfortable that we're probably going to get closer to getting the resources that we need to do the job that we're required to do.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

Good morning.

MR. JOHANNESON:

Good morning.

LEG. NOWICK:

Just quickly, the difference in what we have right now and the new legislation would be that the amount would not be whited out when FOILED by the public or the media, is that basically it?

MR. JOHANNESON:

It is basically it. Yes and no. Let me say -- let me say -- let me answer -- let me answer the no portion of my answer. No, because the presumption now is that it will be whited out. And then we have the ability under certain limited circumstances to take away the whiting out. The presumption under the new bill is that it will not whited out. And you then as the filer have the right to come to the commission and ask us if you believe that you'll be embarrassed or in some way damaged by the disclosure to make a request of us to white it out. So the presumption changes from whiting out to not whiting out with the protection that you have the right to make a request to the commission to white it out.

LEG. NOWICK:

I understand that. And my question is -- or let me comment, that I know what a good job your commission does and certainly Mr. {Hillonia}. Isn't that what you are getting the big bucks for, so to speak, to make the decision? I mean, I trust in your commission, you look at it, you make a recommendation, you tell us, you tell the public, you tell whoever it is that should be concerned, this is right or this is wrong. Why is a public official so much of a second-class citizen that the amount of what we owe needs to be put in the media or needs to go -- you don't know as a public official -- take a public official, maybe a single woman living alone, you really do open up a can of worms when you need to let everybody know the exact amount of money that woman might have. It's a little scary. But we have you to make a determination. And you are who we trust.

MR. JOHANNESON:

And more importantly, of course, there are the confidentiality provisions of the statute. And if I were to disclose that, it would be a crime. So I understand -- I understand that you have confidence in our ability to keep -- keep the information confidential. The problem is that we haven't had the resources to evaluate the forms. There are some 550 people who are required to file the forms and the three volunteers who are getting the paid the big bucks --

LEG. NOWICK:

And we talked about that yesterday, so maybe that's a situation that we can try to remedy.

MR. JOHANNESON:

With the executive director, I think we're on our way to remedying that problem, and the need for this type of legislation may not be that important. But because we haven't had the resources honestly to evaluate these forms -- and one of the things I'll share with you is I'm only on the commission for a couple of months now, the first set of forms that are going to be filed are coming in. And when I spoke with our counsel about the forms, I said to him, "Well, when are we going to start going through all the forms?" And he said, "Well, what I'll do is I'll pull together for you the ones that the media is generally most interested so you could look at those first, and then you will spend some time, probably the rest of the year going through the forms." Well, honestly, if we're going to be able to ferret out conflicts the way the statute envisions, we really need the resources to go through the forms. Short of having those resources, the public has to have the right to have some input into this process, and that's why this statute is important unless we get the rest of the resources that we're seeking. And again, I can see that I was before you, Legislator Nowick, yesterday at the committee, and we were very, very pleased with the response that was made to the request for the executive director.

LEG. NOWICK:

And I believe that we were committed to giving you the resources. So possibly this is a moot subject right now.

MR. JOHANNESON:

I think -- I think it's less important if we get the rest of the resources that we need. But, you know, again, I think it's important to note that --

LEG. NOWICK:

The Finance Chairman keeps telling me you will get the resources.

MR. JOHANNESON:

Well, we need the whole Legislature to give us that executive director. And there are other resources that we need as well.

LEG. NOWICK:

And thank you for doing such a good job.

MR. JOHANNESON:

Thanks.

CHAIRMAN ALDEN:

Legislator O'Leary, then Legislator Lindsay.

LEG. O'LEARY:

Yes, Mr. Johanneson, I'm encouraged by the fact that there was some discussion concerning obtaining additional resources to alleviate this particular concern. But one of the question I have with respect to this legislation is that does this not mandate the commission to disclose and not white out the figures unless they get a request from the individual?

MR. JOHANNESON:

Yes. I mean, the presumption is that the form will be released without any white out provisions unless -- unless -- for example, if it were you, your financial disclosure form was filled before us and there were requests from the media, for example, for your form, unless you filed an objection under Subsection F of the form, it would be released without the white out.

LEG. O'LEARY:

That leads to my next question. If there is a request on the part of the individual to white out the amounts, the commission arbitrarily maintains the jurisdiction to write a refusal and go ahead and do that or will they -- if there is a request in every instance, will the commission adhere to it?

MR. JOHANNESON:

I'm not sure what you are asking.

LEG. O'LEARY:

I'm asking if this legislation is passed, and the form is completed and the commission has no other alternative but to leave the total figures on the form, if the individual whose form was submitted requests that certain numbers be whited out, would the commission arbitrarily have the right to refuse? Or will that be adhered to based on past practice of the commission to white out those numbers to begin with?

MR. JOHANNESON:

I don't know if I can answer that question, because I'm only one of the commissioners, and it would have to be a decision that would be made by collectively by the three commissioners. But the standard that we would have to abide by is set out in Subsection F of the from. In the standard -- in Subsection F -- and I'll provide you with a copy of the of the --

LEG. O'LEARY:

The resolution itself?

MR. JOHANNESON:

Of the financial disclosure form. The standard is any employee who files a statement may request of the board that a particular matter be withheld from the public on the ground that it is highly personal to the employee. Such a request shall be in writing. And it outlines the procedures for you. So that's the standard.

LEG. O'LEARY:

But currently those requests are not made. The commission takes it upon themselves to white out those numbers, correct?

MR. JOHANNESON:

Well, actually the interpretation of the statute, the current interpretation of the statute, is that it is whited out as a matter of policy. So there's no determination made on a case by case basis by the commission. And quite frankly, one of the things our counsel pointed out to us, and we discussed this at the last meeting, was, hey, this is going to -- this is going to create a lot more work for you guys, and you guys are being worked into the ground at it is, and so is our counsel by the way. You know, this is something that you have to carefully consider if you're deciding to

support it, because you are going to have to make a decision on every single request about whether or not provisions should be whited out. I'm prepared to do that if we need to do that. And I think we need to do that if don't have more resources.

And that's really the, you know, crux of the argument I think I've been making to everybody who's been asking me the questions. If we have the resources, this is probably not as important as it is right now. But clearly we don't have the resources we need. And forgive me for having some reservations about that, because the statute was enacted in 1988, the statute has mandated the appointment of an executive director since 1988. And they have never had a executive director since 1988. There are also a number of other provisions in the statute, and I'll provide each of you with a copy of that as well, that mandates action on the part of the Ethics Commission which has never ever been -- never ever been performed.

For example, every year a report is supposed to be filed before the Suffolk County Legislature about the actions of the Ethics Commission. It's only been done once. And I can go through the rest of the list. I don't want bore you with it, because I know there are other speakers, but there are many things that we aren't able to do because we don't have the resources.

LEG. O'LEARY:

I understand the resource issue. And obviously, the practice must be now, unless there's a request made, a FOIL request, it's not whited out, because we're required to submit the numbers anyway. And the form is submitted with the numbers visible to all who come under the confidentiality clause.

MR. JOHANNESON:

Correct.

LEG. O'LEARY:

But my question is when the request is made, when the FOIL request is made now, and most often it's by the media, but when that request is made, is that when the whiting out occurs?

MR. JOHANNESON:

Yes. I think it's important to note that the - this is not a FOIL statute. There are specific provisions in the statute that allow someone from the public to make a request. When that request is made, and it's not a FOIL request, we then have to put you on notice, unlike a FOIL

request where you wouldn't be put on notice of information that you had filed with some other governmental entity, with the Ethics Commission, we put you on notice by statute.

LEG. O'LEARY:

Right.

MR. JOHANNESON:

You then because you have the notice have the right to -- or you then have the ability to put us on notice whether or not you want us to white out provision -- concern portions of the statute. So there is a trigger that puts you on notice, unlike a FOIL provision.

LEG. O'LEARY:

But there is not notification requirement with a FOIL request.

MR. JOHANNESON:

There is not.

LEG. O'LEARY:

Well, why should there not be?

MR. JOHANNESON:

We're not subject to FOIL.

LEG. O'LEARY:

Oh, you're not.

MR. JOHANNESON:

We're not.

LEG. O'LEARY:

Okay. That clarifies that in my mind. But just to get back to the resource issue, the current practice is it's not whited out unless a request is made.

MR. JOHANNESON:

Correct.

LEG. O'LEARY:

And the person who submitted the form is advised that there is a request on the part of the another party to review that form.

MR. JOHANNESON:

Correct.

LEG. O'LEARY:

Thank you.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

I think my question was answered.

LEG. CRECCA:

Are you supporting 1196, I'm sorry?

MR. JOHANNESON:

Yes. I am supporting all three; 1194, 1195 and 1196.

CHAIRMAN ALDEN:

Any other questions by the committee?

MR. JOHANNESON:

I don't know if you can take Commissioner Gittelman out of order. He is one of the other Commissioners, and he did file a card. Yesterday, Mr. Crecca allowed to us testify together, but because the procedure was different, we couldn't come up together.

CHAIRMAN ALDEN:

I think it's mentally stimulating to jump around.

LEG. LINDSAY:

We could white out the number, you know.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay to white out the number of the card.

LEG. CRECCA:

Can we get an ethics rulings on that, first? Is that all right if we go out of order, because we do have rules here?

CHAIRMAN ALDEN:

Okay. Mr. Gittelman, come on up.

MR. GITTELMAN:

Thank you for taking me out of order. I hope that we will white out that side-bar there. In the years that I have been on the Ethics Commission, the issue of what gets redacted and what doesn't has been something that we have spent a lot of time discussing. And even on FOIL requests, we have put through to those that it's requested of, but we have given them a chance to object as a matter of practice.

You can call it disclosure, but we -- one of the problems that I think exists in the current tone here is is that the current expectation is that we will redact all this information. And if no change is made in the current expectation, then I think we will go forward and continue to redact that information. There will be a pressure on the Ethics Commission because all the forms submitted to us previously have been submitted with the state the mind that we will white out everything.

The question becomes now as to how much light you wish to shed on the existing record base. Because very often we are given a request that says please give us the form going back to 1995. So is it that this Legislature wishes us to redact the information going back, and how do you want us to handle it? Because remember, no one on the Ethics Commission existed in 1988. We have all lived under the current aegis where everything is whited out. So I think you can expect that if we suddenly start releasing information without direction from the Legislature, that there will be some turmoil and some very unhappy people. So a decision really does have to be made, I think, if the full decision puts the onus on the Ethics Commission to leave things as they are. Pause.

LEG. O'LEARY:

I have a question.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Sir, unless I'm mistaken, this doesn't give you the option. If there's a request made, you are not to white out unless the person who filed the form requests so.

MR. GITTELMAN:

In the current form, we would inform you that a request for your information -- in the proposed legislation, we would inform you if your information was requested. You could then request of us that we redact certain information. We would then inform you as to whether or not we have agreed.

LEG. O'LEARY:

I understand that. But currently the practice, unless I'm mistaken is that as a matter of course redact information.

MR. GITTELMAN:

Redact everything.

LEG. O'LEARY:

Right. Even without -- well, unless there is a request made, correct?

MR. GITTELMAN:

No. A request on the --

LEG. O'LEARY:

I mean, the forms sit there in their entirety without redaction until a request is made, then you --

LEG. O'LEARY:

Redact.

MR. GITTELMAN:

Redact.

LEG. O'LEARY:

But that's when it's done. I mean, the current practice is when it's whited out, for lack of any other descriptive phrase, when it's whited out is when a request is made for an entity or an individual to review that form. That's when it done right now?

MR. GITTELMAN:

That's right.

LEG. O'LEARY:

But this does -- without notifying the individual who is requesting form.

MR. GITTELMAN:

We automatically white out all.

LEG. O'LEARY:

You automatically do that?

MR. GITTELMAN:

Yes.

LEG. O'LEARY:

Well currently, this proposal does not give you that option.

MR. GITTELMAN:

We automatically wouldn't white it out, we would then inform the person whose information had been requested, they could request us to white it out.

LEG. O'LEARY:

And if they do request you to white it out, you will.

MR. GITTELMAN:

No. Then we will under our discretion decide whether we agree on it.

LEG. O'LEARY:

Okay. All right. Thank you very much.

MR. GITTELMAN:

I think that you have to understand that it doesn't take more staff to perform this function. In other words, we are still only going to make the decision based upon information that we release. Reviewing all the form takes times. Deciding as to whether to redact the information or not is done on a request by request basis. In other words, I don't anticipate that well receive 550 requests to please redact this, please redact that. What I anticipate is that when we receive 50 requests for the information, we will have to treat each of them individually. But the important component here is what do we do with all the stuff from the past? What is the expectation? The expectation as it stands now is that none of that information will be released to the public, unless you change by some sense of the Legislature, the direction that you chose to have us go. This legislation is important. I think Richard was giving it up a little bit. And the reality of this is as a practical matter, we need direction on this, or we need to reflect what is the state standard, where nothing is redacted. In State Law, the entire form is released. The question of redacting information is not an issue. In Suffolk County, we have created the white out condition.

CHAIRMAN ALDEN:

Any other questions? Thank you. Now, we might end up jumping around a little bit. I thought we are doing good on time. Thank you, Legislator Lindsay, for pointing out that we're not doing well. Stephen Ukeiley, you have three minute.

MR. UKEILEY:

Thank you. Good morning. Steve Ukeiley, Jaspan Schlesinger Hoffman. I'm here on behalf of the Village of Northport. I'm from Michael White's Office. Unfortunately, he could not appear this morning. He wishes he could, but he is off some place probably drinking some nice drinks.

I'm here to speak in favor of 1284, which is for the conveyance of property located in Northport to the Village of Northport. I just would like to emphasis, I'm sure all the information is before you, that the road currently closed. It's a hazard. It's in danger of collapse, and the Village needs the property in order to get the Army Core of Engineers and New York State in there to make the necessary repairs to prevent a potential hazardous situation from getting worse. If

you have any questions, that's my statement.

CHAIRMAN ALDEN:

You've talked to Lynne Bizzarro, right, about giving us an indemnification, right? So any other questions?

MR. UKEILEY:

Personally, I have not spoken to her. I believe someone in my office has, but it has not been me.

CHAIRMAN ALDEN:

Okay. Thanks a lot. Next up, Kelly Platt.

MS. PLATT:

Good morning. My name is Kelly Platt, I reside in Center Moriches. I want to say thank you for introducing legislation, Resolution 1277. I believe that is a step in the right direction to protect those consumers buying new construction homes, such as myself. With the rampant overdevelopment of new construction homes here in Suffolk County, those buying these new construction homes need to be protected. There are quite a few new home contractors out there who are not honoring their contractual agreements on their closings of these new construction homes, which has prompted me to retain an attorney on my own home.

The quality of craftsmanship -- craftsmanship on these homes is bottom line quality, which is why new contractors -- new home contractors should be held liable. My contractor gave me a one year guarantee on his craftsmanship, which is in breach of contract right now, where damages started on my home less than one month after closing.

Also in reference to Resolution 1197, some new home contractors are also working as home improvement contractors, with some of them that are not licensed and also are in contract with some real estate agencies doing home improvements. Seizing their vehicles and tools is a step in the right direction as well. I want thank you also for introducing Resolution 1277. And I would like to ad that I received a letter from the State Consumer Board of Protection that they have received my complaint about the contractor who built my home, and that this has also been reported to the State Attorney General's Office. Thank you.

CHAIRMAN ALDEN:

Thank you. Raymond Gontasz.

MR. GONTSZ:

Good morning. We're really here for 1292. We have people from Audit and Control with us. If you would prefer, we'll wait until you get to 1292, your convenience.

CHAIRMAN ALDEN:

You want to hang on, okay? Actually, you know, we're going to get to it real fast anyway, so go ahead. Give us your presentation.

MR. DONNELLY:

Good morning. I'm Robert Donnelly, Director of Information Services, Suffolk County.

MR. GONTASZ:

I'm Raymond Gontasz, Project Manager, Information Services, Suffolk County.

MR. D'AMICO:

John D'Amico. Chairman Alden, members of the committee, thank you very much for this opportunity to appear. We're here to endorse Introductory Resolution 1292. Ray Gontasz, the project manager will explain the details and provide some context as to why we think the appropriation of funds for a particular project is very worth while.

CHAIRMAN ALDEN:

Not to rush you, just if you could do it on an expedited basis. Thanks.

MR. GONTASZ:

Resolution 1292 is a multiphased effort to replace the County's and the College's accounting systems. I say it's multiphased because both the College and the County have different financial year ends, which require us to do this in two phases. In 2004, we will convert the County's accounting system, and in 2005, we will do the College's.

Our current environment was installed in 1996 with the County and College going live on the new accounting system in 1997, in fact, January 1st of 1997. Now, the hardware is never -- the hardware failure occurs, the hardware vendor has difficulty finding parts for the hardware. The software cannot be up upgraded because the vendor -- the hardware vendor no longer supports the hardware platform that we're running on. The environment -- the hardware-software

environment is maintained by a single county employee because of retirement.

The accounting system itself is -- will not be supported after 2005, which means that if any accounting regulations occur after that period in time, our accounting software will not be reflecting those changes in the accounting system. To summarize, we have a very critical function of the County, namely, the accounting system is functioning in an environment that is not supported because the hardware and the software -- the hardware and the software is no longer supported, is no longer nonstandard, meaning that the operating system that it functions on and the data base software is not adhering to the County standard. So it's really nonstandard, even as far as the County is concerned. And the entire system is maintained by a single individual.

The expenditure of \$2.2 million will enable the County to adhere to its own standard as it applies to the operating system and data base software. Compliant to the standard, we'd no longer be dependant upon a single individual to maintain this environment, and we will have a staff of office systems personnel who are capable of maintaining this system in the event of a problem. We will be in compliance with the latest release of our software vendor, meaning that if any regulations come down, changes or anything like that, we will be able to receive those changes and have those changes reflected in our software. The system is web enabled and web deployed which will be on secure environment.

Additionally, the system would create a virtually 24 by 7 environment, which means that our entire population of 1000 users will have greater accessibility to the system than they currently have. These are just some of the technical advantages to migrating this system. There are a number of accounting benefits, which will benefit our accounting personnel. If there's any other questions, I thank you for presenting this project, but first I'd like to turn it over to --

LEG. O'LEARY:

I have a question, sir.

CHAIRMAN ALDEN:

Legislator O'Leary has a question.

LEG. O'LEARY:

The resolution before us has a total of 1.4,million, and you have just cited 2.2 million, where's the additional 800,000?

MR. GONTASZ:

One point four is to migrate the County this year, the remaining monies is to migrate the College in 2005.

LEG. O'LEARY:

800,000 for the college in 2005?

MR. GONTASZ:

Basically, yes.

LEG. O'LEARY:

Okay.

CHAIRMAN ALDEN:

You have a little presentation for us too. Just identify yourself for the record.

MR. D'AMICO:

John D'Amico. I'm the Director of Accounting Services for the Comptroller. And you know, we urge passage of the bill and definitely support the acquisition of the upgrade. It's really imperative for maintaining a general ledger and preparing the financial reports that we go full ahead with this.

CHAIRMAN ALDEN:

Thanks for keeping that short. Okay. Legislator Crecca.

LEG. CRECCA:

I have just have some questions regarding the cost. And I understand, because this was discussed last year, the need to update the IFMS System. I guess my concern is how much of this is going to hardware, how much is going to software?

MR. GONTASZ:

One point seven is going to consulting services; 250,000 is going to third party software. We're not paying for any licenses. We maintain the licenses for the last seven years, so there is no fee

for the license, just 250,000 for thirty party software; 75,000 for hardware and 175,000 for T and L for the consultants.

LEG. CRECCA:

How does that --

MR. GONTASZ:

If I add up the County's -- what we did is allocate 65% of that \$2.2 million to the County. The remaining 35% is attributed to the College.

LEG. CRECCA:

Okay. I guess -- in other words, we're not paying -- we're not paying for the updates of the software or we are? I'm confused.

MR. GONTASZ:

We're not paying for the additional release. What we're paying for is for the help to take us to the latest release.

LEG. CRECCA:

And that involves, what, some 8500 man hours to update the software?

MR. GONTASZ:

Yes. For the College and the County.

LEG. CRECCA:

It just seems incredible that we would have a system --

MR. GONTASZ:

It takes us to a totally different environment. Basically what is now is a client server environment on software that's no longer supported. We're going to a web enabled County standard meaning Oracle and Windows. So it's not just the latest release, we're changing the entire environment that this system operates in.

LEG. CRECCA:

But the software is staying the same? I'm confused.

MR. GONTASZ:

The vendor is staying the same, but we're increasing the capability of the software and the platform.

LEG. CRECCA:

And the 8500 hours, I guess, is where the bulk of the cost is; is that correct?

MR. GONTASZ:

Yes. Plus there's -- there's training involved to train the additional thousand users in the new release of the software. So it's consultant services and training involved.

LEG. CRECCA:

It just seems like a lot of money for a software program, you know.

MR. GONTASZ:

We're doing a lot with it. I mean, it sounds -- it is a lot, I'm not minimizing it, but we're doing a lot of things at the same time; we're change our hardware, we're changing our software, we're changing the accounting system itself. It's not just one piece we're doing.

LEG. CRECCA:

In the past you said there was only one person in the County who knew how to do this.

MR. GONTASZ:

Currently there is.

LEG. CRECCA:

Why is that?

MR. D'AMICO:

Job security.

MR. DONNELLY:

The simple fact of the matter is through attrition we are down to one person who is knowledgeable in this particular set of hardware and software, seven years old, we really can't

get parts for it. I know 2.2 million is a big number. I would suggest that in a simple analogy, if I needed someone to fix the transmission on my car, I would love to say I could do it myself in my driveway. I cannot. This system is so complicated, we need that help.

LEG. CRECCA:

And I understand that. And I guess my concern and what I'd ask rather than bog down the committee today is there were problems in IFMS last year, we saw them with the RBs, TVs and how things were recorded and all that in how the system was put into action. And I guess what I would ask for is something to explain, A, the scope of the project. And I will pass this today, because I understand the importance of it, okay? I'll give my vote for it, but I'm going to ask that Information Services provide myself as Chairman of Budget and Finance and the other Legislators with some sort of backup to say what the scope of the project is and what improvements are going to be had and to prevent some of the problems in the past, specifically safeguards in the system to make sure they're still going to be in place under the new system. When I say that, so that transfers and numbers can't get changed without a check and balance system, but also too to prevent a problem where we have one employee who knows how to do this and how we keep this fresh and updated, so we're not looking at another \$2.2 million five years down the road or whatever. So I don't think that's much to ask for, if that's okay.

CHAIRMAN ALDEN:

Well, I'm going to add in a little more too, because did we go to Lee Miles or the Rolls Royce Dealership for this product? So what alternatives did we have? What kind of pricing and scope to this? So I really would like a little bit more. I don't like the idea of passing this out of committee without the answers to Legislator Crecca's questions and the ones that I just asked also, but if it's the will of this committee, that's fine. But be prepared to answer a whole bunch more questions at the General Session then.

LEG. CRECCA:

Actually, would you be able to have some sort of memorandum prepared by the General Meeting which is on April 20th I believe?

MR. GONTASZ:

We will have it.

MR. DONNELLY:

We will have it for your review and this committee's review within one week.

LEG. CRECCA:

Okay. That's very good. Then what we can do is we can discharge without recommendation and then take a look at that.

CHAIRMAN ALDEN:

So the suggestions going to be, if you're going to have a memorandum on that, send it to all Legislators and not this committee then, if it passes out today.

MR. DONNELLY:

Just in closing, and I understand the question about other alternatives, we did look to go to a completely new system. The numbers we're getting back believe it or not are in the order 15 to \$20 million. What we're getting now is since we pay for all the upgrades, we're not paying for any software, we're paying for the technical expertise to help us go from a very, very old system to a new system.

CHAIRMAN ALDEN:

And that's good. We just have understand, you know, what those alternatives are, and whether there's another alternative inside what you just mentioned, as far as hiring the technicians or the advisers to the County that would take us from step A to step B. But are there other people that can take us from step A to step B, and did we look at those alternatives and what are the costs of those alternatives? Thanks a lot.

MR. DONNELLY:

Thanks a lot.

CHAIRMAN ALDEN:

Legislator Crecca brings up an excellent point, if we only have one person on the payroll at this current time, it would almost sound like it would make sense to hire the people we're going to hire as consultants, put them on the payroll at this time, and maybe we'd never face this, you know, situation again. It might even be cheaper. But you know, again, if that can be included in your report, I would appreciate it.

MR. DONNELLY:

Yes. We will do that.

CHAIRMAN ALDEN:

Thanks a lot. Okay. Next up, Kevin Rooney.

MR. ROONEY:

Good morning, Mr. Chairman, members of the committee. My name is Kevin Rooney. I am the Chief Executive Officer of the Oil Heat Institute of Long Island. As one the three major energy suppliers to Long Island, we are particularly concerned about Introductory Resolution 1345-2004, a charter law establishing -- creating a County Department of Environment and Energy. Notwithstanding our general concerns about the possible usurpation of legislative prerogatives by the Executive, we take no position on the merits of this resolution at this time. I would, however, like to briefly offer a few concerns which need to be addressed.

CHAIRMAN ALDEN:

Kevin, can you sit down for a minute. Thanks, Kevin.

MR. ROONEY:

A few concerns which need to be addressed; one, improper drafting. Section 42-2 established the department and its separate divisions. It is completely missing Subsection D. Two, there is no mention of a Division of Energy Management in Section 42-2 despite this being part of the new department. Three, section 42-3 K-13 gives the new department jurisdiction over, quote, all environmental protection laws enforced by the County of Suffolk, end quote. And section 42-4-A transfers employees from the Department of Health Services to this new department.

The powers of the Health Department to administer the provisions of Article 12 and Article 7 of the Suffolk County Sanitary Code are expressly delegated powers from the State Department of Environmental Conservation to the Department of Health Services in Suffolk County under the preemption provisions of Section 6-12.5 of the State Petroleum Bulk Storage Code found as Title 6 of the New York Code of Rules and Regulations. Transferring this jurisdiction from the Health Department to a new department, first, is not a simple matter; second is very likely -- not likely to be approved by the state.

Notwithstanding the fact that the Health Commissioner is appointed by the Executive subject to approval of the Legislature, the term of office overlaps that of the Executive in order to insulate the actions of both the Commissioner of the Health Department and the Board of Health from

the potential of political pressure. If adopted, 1345 would clearly alter this long standing arrangement. Lastly, Section 42-3 K-16 further gives this new department jurisdiction over, quote, all activities of Brookhaven National Lab within the County of Suffolk, end quote.

When I served as assistant secretary for Intergovernmental Affairs at the Unites States Department of Energy in the first Regan Administration, all of the national labs, including Brookhaven National Lab, fell under my jurisdiction as a Federal Government employee, not that of the County of Suffolk. Putting jurisdiction of this new department over a national laboratory, such as BNL, raises some intriguing and rather serious constitutional questions.

Given the complex legal issue which this Introductory Resolution raises, we respectfully request and suggest that a public hearing on Resolution 1345 be indefinitely deferred pending a comprehensive review by Legislative Counsel. Thank you for your time and attention.

CHAIRMAN ALDEN:

Thank you. You must have been a teenager when you served under Regan, because you don't look old enough.

MR. ROONEY:

You are so kind.

CHAIRMAN ALDEN:

There you go. Thanks, Kevin.

MR. ROONEY:

Believe it or not, I'm going to be a grandfather in September.

CHAIRMAN ALDEN:

Congratulations.

MR. ROONEY:

Thank you.

CHAIRMAN ALDEN:

All right. Next up, Linda Taylor. And JoAnn Murphy? Okay. That ends the cards that I have for the public portion. Is there anyone else that wishes to address this committee during the public

portion? Okay. We're going to go to the agenda. If Charlie Gardner is still in the building, could he please return to the auditorium?

TABLED RESOLUTIONS

1010-2004. Adopting Local law No -- 2004, a Charter Law to reduce number of County Legislative Districts to eleven. (CARACCIOLO)

CHAIRMAN ALDEN:

I called the sponsor yesterday. I didn't get a chance to talk to him, his back was acting up.

LEG. LINDSAY:

I make a motion to table.

LEG. O'LEARY:

Motion to table subject to call.

CHAIRMAN ALDEN:

Motion to table subject to call takes precedence. Is there a second? Seconded by Legislator Nowick. All those in favor? Opposed? **TABLED SUBJECT TO CALL. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1012-2004. Directing Office of Legislative Budget Review to audit legislative vehicles. (CARACCIOLO)

LEG. CRECCA:

Motion to table subject to call.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Motion to table subject to call by Legislator Crecca, seconded by Legislator O'Leary. All in favor? Opposed? It's **tabled subject to call. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1039-2004. Establishing commission to study alternative form of County Government. (BINDER)

LEG. CRECCA:

Motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

We have a motion and a second, all those in favor? Opposed? That's **tabled. (VOTE:5-0-0-2)**
(Not Present; Legis. Viloría-Fisher and Legis. Mystal).

1067-2004. Establishing review policy for honest documentation of campaign expenditures by Suffolk County Board of Elections. (COOPER).

CHAIRMAN ALDEN:

I'll entertain a motion. No motion, it fails.

LEG. LINDSAY:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Lindsay, is there a second? Motion fails for lack of a second.

FAILS FOR LACK OF SECOND.

1081-2004. Reforming County sick leave pay policy for exempt employees via cost containment. (COUNTY EXEC)

CHAIRMAN ALDEN:

I'll entertain a motion. Fails for lack of a motion.

MR. TEMPERA:

Excuse me, Legislator Alden, if I might. Jeff Tempera, Director of Labor Relations. I had

provided some information in the past with regards to this resolution and --

CHAIRMAN ALDEN:

All right. Jeff, you know what I'm going to ask you to do next time, just let me know that you are in the auditorium, because there was a whole big stink made that I don't allow you time to talk. And I know for a fact that you came down, you know.

MR. TEMPERA:

It was not your fault last time. Believe me, I saw the letter from Mr. Sabatino.

CHAIRMAN ALDEN:

Have I ever denied you the right to speak before this committee?

MR. TEMPERA:

Absolutely not.

CHAIRMAN ALDEN:

Thank you very much. Then go ahead.

MR. TEMPERA:

In the past, I've spoken to the committee with regards to this resolution, documentation was provided to all the Legislators with regards to the payouts with the Superior Officers. The County is contemplating filing a petition that will remove many of the members above the rank of Captain from the Superior Officers Association, which would have a major impact with regards to the payouts under this management benefits resolution. The documentation that had been provided in the past, I think, showed an amount somewhere in the area of \$2.9 additional savings if the county is successful with regards to the decertification of the managerial confidential on the Superior Officers. I think that was important to the committee to understand this, because there had been a major question with regards to the savings that would be associated with this resolution.

CHAIRMAN ALDEN:

I see Mr. Knappe is here also. Mr. Knappe, identify yourself for the record. I'm sure you have some more comments to add to the record.

MR. KNAPPE:

Kenneth Knappe from the County Executive's Budget Office. Just to reemphasize what the

director of Labor Relations has mentioned, that with the pending individuals moving from one bargaining unit to another, the fiscal impact of the proposed resolution would be raised to an additional 2.8 million thereabouts. The number that were included in the letter that was sent by the Chief Deputy County Executive Sabatino to the Legislature, those numbers, on behalf of the County Executive's Office, is accurate from what we believe.

CHAIRMAN ALDEN:

Mr. Lindsay. Legislator Lindsay, I'm sorry.

LEG. LINDSAY:

This ruling that you are asking for from the state, when do you anticipate that coming down?

MR. TEMPERA:

There's a window between April 1st and May 31st that the County has to file a petition. It would be with the Suffolk County Public Employee Relations Board. They would investigate it. If they deem it necessary, they would hold a hearing. Individuals would be given the opportunity to testify, present evidence. How long that takes? I would think a couple of months before it was completed at the minimum.

LEG. LINDSAY:

And without those people that we're talking about without that waiver to remove them from the bargaining unit, we're still dealing with about \$1.5 million in savings over the next 30 years?

MR. TEMPERA:

I'll leave it to Ken with the numbers.

MR. KNAPPE:

The numbers would stay consistent with what I have spoke in front of the committee, the average is about 15,000 per employee for the regular exempt Bargaining Unit 21 employees as it.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. And just to reiterate a statement that I made previously in committee, the \$15,000 average, the projected savings over 30 years, 1.5 million, records indicated that perhaps four to five, maybe 10 if an ERA is offered -- ERI is offered to employees, retire on an annual basis. And as I stated before, taking a number of let's say 15,000 and four retirees, that's a \$60,000 projected savings. But one of the things and the concerns I have is that this particular resolution and the attached letter from Mr. Sabatino presumes, presumes the efforts on the part of the County to decertify certain individuals from the SOA will become a reality. That's not a given by any stretch of the imagination.

MR. TEMPERA:

I don't think anyone's arguing with you, Legislator O'Leary, obviously subject to the Taylor Law, it's subject to provisions that are spelled out with regard to managerial confidential, and each individual will rise and fall as to what their duties are and what it calls for --

LEG. O'LEARY:

So, in fact, the statements of numbers give by the County Executive's Office of the projected \$2 million savings is really a false and misleading number, because those individuals have not been decertified. And until such time as they are, I would suggest to the County Executive's Office that they keep those numbers in mind and then bring it forth to this body.

MR. TEMPERA:

I don't think they're false and misleading, I think what is being pointed out --

LEG. O'LEARY:

What's misleading is the number of \$2 million. Again, it's the same -- it's the same argument that I made with the exempt employs retiring, the four or five a year that go at a \$15,000 average, these individuals are 36 in the Police Department, deputy inspector and above. The likelihood of all 36 retiring in one year are remote at best.

MR. TEMPERA:

Well, again, I think if you keep in mind the historical nature of what gave rise to this resolution in the first place, it did deal with a retirement within the Suffolk County Police Department. The intent at the time was to curtail management benefits, specifically dealing with the Police Department. The Chiefs within the Police Department make up a major payout. They had been out of the union at the time the resolution filed. And because of a grievance filed by the SOA,

the individuals had to be placed back in. That makes up a major portion of the payouts that would be recouped through this resolution.

LEG. O'LEARY:

I'm aware of that. I'm keenly aware of that. And that matter is best addressed at the bargaining table, as you are well aware of yourself.

MR. TEMPERA:

Well, either the bargaining table or through the process between the Suffolk County PERB and the managerial confidential petition, which is also a different avenue.

LEG. O'LEARY:

Even presuming that you are going to be successful in that endeavor, then you have the other hurdle of having this body approve the one out of four as opposed to the one out of two.

MR. TEMPERA:

Correct.

LEG. O'LEARY:

Just keep that in mind as well.

MR. TEMPERA:

I always do, Legislator O'Leary. Thank you.

LEG. O'LEARY:

Thank you, Mr. Tempera.

CHAIRMAN ALDEN:

Thanks for coming down. In light of your presentation, I'll entertain a motion even though, you know, this one failed for a lack of a motion. I'll entertain a motion. Fails for the second time for lack of motion. **FAILED FOR LACK OF A MOTION.**

1086-2004. Adopting Local Law No -- 2004, a Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act. (BINDER)

LEG. O'LEARY:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator O'Leary. Actually, I anticipate holding a special Ways and Means Committee on this and the other one that was proposed by the County Executive to create the Energy Department, because I think they stand -- you know, as reforms they stand -- all right. So we have a motion to table by Legislator O'Leary, seconded by myself. All in favor? Opposed? 1086 is **TABLED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1137-2004. Adopting Local Law No -- 2004, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates and/or gift cards. (LINS DAY)

CHAIRMAN ALDEN:

This was closed. There was a public hearing earlier today, so I'm going to turn to Legislator Lindsay.

LEG. LINDSAY:

Motion to table for one more cycle.

CHAIRMAN ALDEN:

I'll second that. All those in favor? Opposed? That's **tabled. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1193-2004. Establishing a fair and affordable sick leave policy for exempt employees. (BINDER)

CHAIRMAN ALDEN:

Do I hear a motion?

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, second by myself. All those in favor? Opposed?

LEG. O'LEARY:

Opposed.

CHAIRMAN ALDEN:

One opposed. That's **TABLED. (VOTE:4-1-0-2) (Opposed; Legis. O'Leary) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1194-2004. Adopting Local Law No -- 2004, a Local Law to further strengthen the County Code of Ethics. (BINDER)

LEG. LINDSAY:

I make a motion.

CHAIRMAN ALDEN:

Motion to approve.

LEG. CRECCA:

We already had the public hearing on this, Counsel?

MS. JULIUS:

Yes. It was closed 3/16.

LEG. CRECCA:

Okay. I'll second the motion to approve.

CHAIRMAN ALDEN:

okay. So we have a motion to approve by Legislator Lindsay, seconded by Legislator Crecca. All those in favor? Opposed? That's **approved. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1195-2004. Adopting Local Law No -- 2004, a Local Law to restore full public financial disclosure, Suffolk County Ethics Reform. (COUNTY EXEC)

CHAIRMAN ALDEN:

I'll entertain a motion.

LEG. LINDSAY:

I make a motion.

CHAIRMAN ALDEN:

Motion to approve by Legislator Lindsay, do I hear a second? No second. **Fails for lack of a second.**

1196-2004. Adopting Local Law No -- 2004, a Local Law to establish criteria for Ethics Commission Appointments. (COUNTY EXEC).

LEG. LINDSAY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay to approve.

LEG. CRECCA:

I have a motion to table.

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

Motion to table takes precedence. Motion to table by Legislator Crecca, seconded by Legislator Nowick. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

Legislator Lindsay is opposed to tabling. 1196 stands **TABLED. (VOTE:4-1-0-2) (Opposed; Legis. Lindsay) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1222-2004. Adopting Local Law No -- 2004, a Charter Law to mitigate County liability

by expanding prior written notice of defective condition requirements. (COUNTY EXEC)

CHAIRMAN ALDEN:

We have Lynne Bizzarro up from the County Attorney's Office.

MS. BIZZARRO:

Thank you. Good afternoon.

CHAIRMAN ALDEN:

It's not afternoon. I'm still moving pretty good. In spite of Legislator Lindsay's comments earlier.

MS. BIZZARRO:

Thank you. At the public hearing in March, I spoke before the entire Legislature regarding the enactment of this Charter Law to mitigate County liability by expanding prior notice of defective condition requirements. This law will amend Article 8 Section C 8-2 A of the County Charter. I was just going to give another brief synopsis of this for your benefit, because I believe the public hearing was recessed. And you know, I'm looking to see that we can get this law, you know, through committee and ultimately enacted. Section C 8-2 A of the Suffolk County Charter requiring prior written notice of defective conditions as a predicate to bringing a lawsuit is not as expansive as that allowed under present state law.

CHAIRMAN ALDEN:

Can I interrupt you just for one second?

MS. BIZZARRO:

You sure can.

CHAIRMAN ALDEN:

To confirm with Legislative Counsel, this was recessed, right, the public hearing?

MS. KNAPP:

The public hearing on this one is going to be on April 20th.

LEG. CRECCA:

It was recessed last time.

CHAIRMAN ALDEN:

This committee can't take any further action on this until it's either closed or something happens at the public hearing.

MS. BIZZARRO:

That's why I said I can make a brief presentation or come back after it may go through.

CHAIRMAN ALDEN:

I'm just trying to think. It's probably more appropriate to, you know, make your comments at the public hearing.

MS. BIZZARRO:

That's fine.

CHAIRMAN ALDEN:

Okay. Thanks. So 1222, I'll make a motion to table, because it's still in public hearing, seconded by Legislator Nowick. All those in favor? Opposed? 1222 is tabled. **(VOTE:5-0-0-2)**
(Not Present; Legis. Vilorio-Fisher and Legis. Mystal).

1223-04. Adopting Local Law No -- 2004, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner.
(MONTANO)

LEG. CRECCA:

Can I ask Counsel a question on this.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Before we get there, can I ask for an explanation from Legislative Counsel as to what the heck this bill does? It says something about ever five years, doesn't it? Because it was so easy to do last time, we should do it every five years.

CHAIRMAN ALDEN:

Every year.

MS. KNAPP:

The only change it makes to existing Charter is that it would add a process that a basically ensures that within a six month period plus another 120 day period, so a total of ten months from the time that the publication of the census is made, that the reapportionment would take place. And what it does is it has a two step process. If there is -- if the Legislature fails to propose any new redistricting plan within six months, that would be a trigger. If they fail to approve a plan within 120 days following the proposal, then the County Attorney is directed to make an application to court to appoint a special master to prepare the redistricting plan.

LEG. CRECCA:

That answers my question. I just -- I don't think the legislation is worthy of a motion, but that's my opinion.

CHAIRMAN ALDEN:

1223 right now is in public hearing, and it's been recessed.

LEG. CRECCA:

Actually, was it previously tabled, is that what it was?

MS. JULIUS:

It was recessed on 3/23.

CHAIRMAN ALDEN:

The public hearing has been recessed. I'll entertain a motion. Motion by Legislator O'Leary to table, seconded by Legislator Crecca. All those in favor? Opposed? 1223 is **TABLED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

INTRODUCTORY RESOLUTIONS

1241-2004. Directing the Director of Real Estate to locate property for a police substation in Mastic Beach. (O'LEARY)

LEG. O'LEARY:

Motion.

MS. BIZZARRO:

I'd like to speak on this, please. My office took a look at this. This resolution would direct and empower the Director of the Division of Real Estate to locate a facility to house a police substation in the area of Neighborhood Road between Commack Road and Riviera Drive in Mastic Beach. Pursuant to the County code, the Space Management Steering Committee has been formed to review building space requests and plans to meet the needs of the County. The committee is required to formal written reports of its recommendations and decisions in a timely manner to the County Executive and Presiding Officer for policy review and, quote, no action shall be taken by the County of Suffolk in any capacity to locate or relocate a department or agency for or on behalf of the County of Suffolk unless and until the committee has submitted its written recommendations to the County Executive and Presiding Officer. That's Administrative Code Section 22-2 D. The committee has not submitted any recommendations to date as far as my understanding is.

CHAIRMAN ALDEN:

Now, doesn't this provide for the police to submit that request?

LEG. O'LEARY:

No, it doesn't.

MS. BIZZARRO:

It does not.

LEG. O'LEARY:

No, it does not.

CHAIRMAN ALDEN:

What does this do? I'm talking to the sponsor.

LEG. O'LEARY:

In this resolution, it appears that the Police Department will not submit us our request for purposes of this matter. And in so doing, I would like to have the Department of Real Estate indicate to me and this body whether or not there is a feasible location for the purposes of

having a substation on Neighborhood Road in Mastic Beach located.

CHAIRMAN ALDEN:

Okay. I'll entertain a motion. Oh, legislator Lindsay, sorry.

LEG. LINDSAY:

So we don't know the financial impact of this as yet, because --

LEG. O'LEARY:

No. We won't know the financial impact until the Department of Real Estate locates a subject location for the purposes of determining just what the cost impact will be, which seems to be a concern of the Police Commissioner.

LEG. LINDSAY:

In all due respect, Legislator O'Leary, why in the 7th Precinct? Why not in the 5th Precinct? Why not, you know --

LEG. CRECCA:

We have them there.

LEG. LINDSAY:

I don't have one in my district.

LEG. O'LEARY:

There is a substation in the 5th Precinct, Legislator Lindsay, in North Bellport.

LEG. CRECCA:

They have them throughout the County. Huntington has it.

CHAIRMAN ALDEN:

You actually might have one down in Sayville.

LEG. O'LEARY:

No, there's not. There's one in Huntington Station, one in the Smithaven Mall, one in the South Shore Mall, there's one in North Bellport. Basically what this does is just direct and request the

Department of Real Estate to go out and find a location for purposes of forwarding this matter through the Police Department indicating to them that there is a viable location for purposes of advancing this request.

LEG. LINDSAY:

So we don't know the cost, and we don't have a request from the Police Department for a substation?

LEG. O'LEARY:

Not at this time.

CHAIRMAN ALDEN:

Okay. I'll entertain a motion.

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator O'Leary, seconded by myself. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

One opposed, Legislator Lindsay. **APPROVED. (VOTE:4-1-0-2) (Opposed; Legis. Lindsay) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1245-2004. Adopting Local Law No -- 2004, A Local Law to authorize County registry for domestic partners. (COOPER).

CHAIRMAN ALDEN:

I'll entertain a motion. Fails for lack of a motion.

MS. JULIUS:

It has to be tabled.

LEG. CRECCA:

No. It fails for a lack of a motion.

CHAIRMAN ALDEN:

FAILS FOR LACK OF A MOTION.

1247-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Jeffrey A. Schaefering and Denise Schaefering, his wife. (COUNTY EXEC)

CHAIRMAN ALDEN:

We have the Director of Real Estate with us, and we also have Lynne Bizzarro from the County Attorney's office. Can you comment on this? Is this as of right? No, this is a real estate -- this is a sale.

MS. ZIELENSKI:

Yes. This is an adjoining owner.

CHAIRMAN ALDEN:

Adjoining owner. And this is for more than the appraised value, less than the appraised value?

MS. ZIELENSKI:

The amount is for \$3200, this adjoining owner was the only bidder.

CHAIRMAN ALDEN:

What was our appraised value on it?

MS. ZIELENSKI:

\$3200.

CHAIRMAN ALDEN:

Right in line. I'll make a motion to approve, seconded by Legislator O'Leary. All those in favor? Opposed? 1247 passes. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Vilorio-Fisher and Legis. Mystal).**

1248-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Frank Visconti. (COUNTY EXEC)

CHAIRMAN ALDEN:

Can you give us just a run down on this one too?

MS. ZIELENSKI:

This is also an adjoining owner. The appraised value is \$6000. The bid was \$6000.

CHAIRMAN ALDEN:

Okay. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal)**

1249-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Gregory Herzing and Linda Herzing, his wife. (COUNTY EXEC)

CHAIRMAN ALDEN:

This is another one.

MS. ZIELENSKI:

This is the same circumstance. It's an adjoining owner. The appraised value is \$3700. The bid was \$3725.

CHAIRMAN ALDEN:

Great. We got more than we need. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1250-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Annie Mae Williams as surviving tenant by the entirety. (COUNTY EXEC)

MS. ZIELENSKI:

These are as of right redemptions from Bill 1250 through 1269, all as of right redemptions.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and Legis. Mystal).**

1251-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Edward Lengebeck and Melissa Lengebeck. (COUNTY EXEC).

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and Legis. Mystal).**

1252-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Clarine Boone, Administrator of the Estate of Elijah Jones. (COUNTY EXEC).

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and Legis. Mystal).**

1253-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Nukhari Ngala- El and Ricky J. Chambers as tenants in common. (COUNTY EXEC).

CHAIRMAN ALDEN:

Same, as of right. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and Legis. Mystal).**

1254-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Roger Rudman. (COUNTY EXEC).

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

As of right. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1255-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Thomas Tryhane. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1256-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Ada Tyles. (COUNTY EXEC).

MS. ZIELENSKI:

Same.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's as of right also. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1257-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Meltona Bryant Sykes. (COUNTY EXEC).

CHAIRMAN ALDEN:

That's as of right. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1258-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Michael Quarltre and Joan Perrodin. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1259-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Joan Qualtere. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

LEG. O'LEARY:

I have a question, Mr. Chair.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Is this the same subject parcel or is it a different parcel, because --

MS. ZIELENSKI:

It's a different parcel.

LEG. O'LEARY:

Is this person Joan qualtere the same as the Joan Perrodin in the previous resolution?

MS. ZIELENSKI:

I don't know that.

CHAIRMAN ALDEN:

Well, there's a Michael Qualtere on the previous resolution.

MS. ZIELENSKI:

I don't have that information.

LEG. O'LEARY:

You don't have that information?

CHAIRMAN ALDEN:

It's a redemption as of right.

MS. ZIELENSKI:

And it's two different parcels.

CHAIRMAN ALDEN:

Same motion, same second, same vote. 1259 is **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1260-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act W.J. Properties. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1261-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Lolly Deniz, Administratrix of the Estate of Tahir Deniz. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes, sir.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1262-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Alco Realty Consultants Corp., as to 1/2 interest. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN ALDEN:

As of right? What happens to the other half interest?

MS. ZIELENSKI:

The other half is still in the County.

CHAIRMAN ALDEN:

So these people are redeeming one half of the property.

MS. ZIELENSKI:

They own half of it, now we'll own it jointly with them.

CHAIRMAN ALDEN:

Okay. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1263-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Elizabeth Scifo. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes, sir.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1264-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Grace Patterson. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1265-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Dreamers Inn, Inc. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right. Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1266-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act North Haven Point Association a/k/a North Haven Hills Association. (COUNTY EXEC).

CHAIRMAN ALDEN:

As of right?

MS. ZIELENSKI:

Yes.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1267-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, Suffolk county Tax Map No. 0900-143.00-01.00-020.000 pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

CHAIRMAN ALDEN:

Quick explanation on this.

MS. ZIELENSKI:

The abandonment is due to lack of notice to {Elardo} who purchased from {Colridge} who has foreclosed on {Manzillo}. We notified {Manzillo}.

CHAIRMAN ALDEN:

Okay. Who raised the issue of lack of notice? This is Mennonite, right? The County didn't recognize the lack of notice, it was made on a motion then or must have been a court action?

MS. ZIELENSKI:

It must have come from the other owner, but -- I'm sorry.

CHAIRMAN ALDEN:

But we recognize that we did not give notice to --

MS. ZIELENSKI:

We recognize that we didn't give proper notice. We notified --

CHAIRMAN ALDEN:

Under Mennonite.

MS. ZIELENSKI:

-- someone who had been foreclosed upon, so the mortgagee owned the property.

CHAIRMAN ALDEN:

Okay. I'm going to make a motion to approve, seconded by Legislator Nowick. All those in favor? Opposed? **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1268-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk county Tax Map No. 0500-231.00-02.00-033.020 pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC).

CHAIRMAN ALDEN:

Explain, please.

MS. ZIELENSKI:

This was an erroneous assessment. The taxes will be cancelled retroactively by the Town Assessor.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1269-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of East Hampton, Suffolk County Tax Map No. 0300-120.00-03.00-028.000 pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC).

CHAIRMAN ALDEN:

Explanation, please.

MS. ZIELENSKI:

This is an abandonment due to the lack of good notice to the proper owner.

CHAIRMAN ALDEN:

And we're recognizing that we did not give good notice.

MS. ZIELENSKI:

That's correct.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1277-2004. Adopting Local Law No -- 2004, a Local Law amending Local Law 2-1999, to expand the Home Improvement Contracting Licensing Law to add new home construction. (VILORIA-FISHER)

CHAIRMAN ALDEN:

This is a Local Law that has to be table for a public hearing. I'm going to make a motion to table for a public hearing, seconded by Legislator O'Leary. All those in favor? Opposed? Stands **TABLED** for a public hearing. **(VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1278-2004. Adopting Local Law no -- 2004, amending Local Law No. 20-2002, to provide accurate and truthful public disclosure of County election campaign finances. (BINDER)

MS. BIZZARRO:

If I can speak on this for a moment again.

CHAIRMAN ALDEN:

Sure. Go ahead.

MS. BIZZARRO:

I know this was on for public hearing, it was closed. I took a second look at the law and just wanted to let the committee know that I believe that the state does preempt this, and that the requirement to do the electronic filing would be improper, because the state statute -- State Election Law basically governs not only the State Board of Elections, but the Suffolk County Board of Elections as well. And they have specifically outlined and dictated how campaign statements are to be filed, when to be filed, etcetera. It's just my opinion. But I did take a second look at it.

CHAIRMAN ALDEN:

Motion by Legislator Crecca to approve, seconded by Legislator Nowick. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

One opposed, Legislator Lindsay. **APPROVED.** (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and Legis. Mystal)

1280-2004. Authorizing transfer of surplus County computers to First Congregational Church Early Learning Center. (ALDEN)

CHAIRMAN ALDEN:

I'm going to make a motion to approve, seconded by Legislator O'Leary. All those in favor? Opposed? That's **approved. (VOTE:5-0-0-2) (Not Present; Legis. Viloria-Fisher and**

Legis. Mystal)

1284-2004. Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law (Village of Northport, Town of Huntington) (COOPER)

CHAIRMAN ALDEN:

Lynne, while you are there, did they talk to you about if we give our interest up in this, we're not going to be sued then, right?

MS. BIZZARRO:

Right. I mean, we'll make sure whatever we need to have whatever agreement with them regarding indemnification, so I'll make sure that's done.

LEG. LINDSAY:

I make a motion.

CHAIRMAN ALDEN:

Good. Motion to approve by Legislator Lindsay, seconded by Legislator Nowick to approve. All in favor? Opposed? That's **approved. (VOTE:5-0-0-2) (Not Present; Legis. Vilorio-Fisher and Legis. Mystal).**

1285-2004. Authorizing review of agreements for use of County land. (CARACCILOLO)

CHAIRMAN ALDEN:

Does anybody have an explanation for this?

LEG. O'LEARY:

Explanation, please.

LEG. CRECCA:

This is crazy. Who is the sponsor, Cooper or Caracciolo?

LEG. LINDSAY:

Cooper.

LEG. CRECCA:

I show it as Caracciolo on a separate sheet.

MS. KNAPP:

I actually show this one as Caracciolo also, that's why I'm a little concerned that we're talking about the same bill.

CHAIRMAN ALDEN:

1285.

LEG. CRECCA:

I think it is Caracciolo's bill. I think it's just wrong on the agenda, that's all

CHAIRMAN ALDEN:

Malfunction on the part of the my office, I apologize.

MS. KNAPP:

1285. It authorizes the Office the Budget Review to identify ten County properties, which are leased to a uses that represent a cross section of activities and to analysis these leases and for Budget Review to give a report to the Legislature 13 months from the effective date of the completed report.

CHAIRMAN ALDEN:

Thank you, Legislative Counsel. Now we have Legislator Crecca who wants speak on this.

LEG. CRECCA:

Yes. I just want to say that normally we have a Budget Steering Committee that's set up pursuant to our rules as well as, I believe, it's set forth in the Administrative Code also. These types of things, work that Budget Review to do normally go through the Budget Steering Committee. As current Chairman of the Budget Steering Committee, I can tell you that this has not come before the Budget Steering Committee. And I would submit is -- the purpose of it is to just subvert that requirement of our own rules. And I believe -- I'm concerned about what type of workload this would have for Budget Review and its relevance and, therefore, I would urge my fellow colleagues not to move this bill in any way, shape or form?

CHAIRMAN ALDEN:

For the record, I'm just going to correct -- on my agenda it says Cooper, the sponsor of the bill

Caracciolo. It's 1285. I'll entertain a motion.

LEG. LINDSAY:

I still have a question on it.

CHAIRMAN ALDEN:

Okay. Legislator Lindsay.

LEG. LINDSAY:

When you talk about people that use our facilities, lease? I mean, would this here apply to, like, somebody who wants to lease one of our County parks --

CHAIRMAN ALDEN:

I thought they meant the use of the bathrooms, use of the facilities.

LEG. LINDSAY:

-- for charities. Do you know, Counsel?

MS. KNAPP:

I can think of one example. We lease space in a County building to Cornell Cooperative, for example. I think we -- we probably lease space in -- oh, we have the Division of Real Estate here. So I'm sure she can correct me.

LEG. LINDSAY:

My question is would this apply to, like --

LEG. CRECCA:

Yes, it would.

LEG. LINDSAY:

Somebody uses a park for one day and pays us a user's fee.

LEG. CRECCA:

Which have been licensed and/or leased to a user. This could apply to the ball fields that we license agreements -- - we do license agreements for five and ten years.

LEG. LINDSAY:

So if you wanted to lease one our parks for a day for charity, it would take 13 months to do it?

CHAIRMAN ALDEN:

No. It might be reviewed by this.

LEG. LINDSAY:

Oh, reviewed, maybe.

CHAIRMAN ALDEN:

All right. Do we have a motion? Going one, going twice.

FAILS FOR LACK OF A MOTION.

**1292-2004. Appropriating funds in connection with the acquisition of IFMS Release
3.0. (COUNTY EXEC)**

LEG. CRECCA:

Motion to discharge without recommendation.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

We have a motion and a second. All those in favor? Opposed? It's **discharged without recommendation. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal)**

I just would like to point out that there were some serious questions raised, and hopefully we'll have the answers to those before we have to vote on this at the full Legislature.

LEG. LINDSAY:

I thought that was our understanding that we would discharge it out of committee at this point, and we were going to get a report on the particulars of where we're spending the money.

CHAIRMAN ALDEN:

100% correct.

1299-2004. Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act. (COUNTY EXEC)

MS. BIZZARRO:

If I could just make one comment. I was glad to see that they are changing the types of deeds that can be utilized, quick claim as opposed to bargain and sale. I think that's a benefit.

CHAIRMAN ALDEN:

Lynne, could you just go a little further, because this isn't our resolution, this is the County Executive's and just explain to us what you want to do and how you are changing current law and how it's going to act?

MS. BIZZARRO:

Well, I took a look at it. Basically under Section 712-6 of the rules and regs, the Legislature must approve the rules for auction of surplus property owned by the County.

CHAIRMAN ALDEN:

This is real property or just any property.

MS. BIZZARRO:

Real property only, right. And they whoever it was, the author of rules, and I think it was Christine Costigan, made some significant changes to the rules. Some of them that I had noted was, for example, the Legislature can approve a sale prior to the auction permitting immediate closing, which just facilitates these types of sales.

CHAIRMAN ALDEN:

Now, does that get stricken under this new --

MS. BIZZARRO:

No. That's one of the new rules. We will be able to do it that way, that we can close prior to the auction which just will speed things up.

MS. ZIELENSKI:

That was specifically designed to accommodate brownfields and others where the county wants to be able to move it through quickly.

MS. BIZZARRO:

Yeah.

MS. ZIELENSKI:

We wouldn't hold the property.

MS. BIZZARRO:

I was just speaking to a couple of the legal points. Perhaps -- I'm sorry, I didn't get your name -- can speak better to the actual content. It was to see that the types of deeds that we can utilize would be quick claim as opposed to bargain and sale. Basically the difference there is that a bargain and sale, you are coveting -- covenanting that you own the property. With a quick claim deal, you basically give whatever you have, and that could be nothing. There are just absolutely no convenience made whatsoever. I think it's a better way.

CHAIRMAN ALDEN:

So we're doing it which way? We're doing quick claim deeds?

MS. BIZZARRO:

We can do quick claim deed now, right.

CHAIRMAN ALDEN:

Rather than bargain and sale.

MS. BIZZARRO:

Correct. Correct. Also no one now under the new rules will be permitted to purchase one of these parcels, unless that party is not in default of taxes owed on another parcel. Apparently we've had problems with that in the past.

CHAIRMAN ALDEN:

There's a constitutional problem there though. How can you deny them the right, you know, simply because of a status on another piece of property which is not interrelated?

MS. BIZZARRO:

These are the rules and regs that they can set up. I don't -- I mean, they're allowed to make a design and decide hoe the auction will go.

CHAIRMAN ALDEN:

well, they can make a design, but, you know, you still have the constitution to worry about a little bit. Okay. What else goes through here?

MS. BIZZARRO:

That is about as much as I looked at it.

MS. BIZZARRO:

The Director may have more comments.

CHAIRMAN ALDEN:

Have you two met yet?

MS. BIZZARRO:

No, we have not.

CHAIRMAN ALDEN:

You know what? We're bringing people together. That's the whole point of this committee, to bring people together. I feel the love in the room.

MS. ZIELENSKI:

Do the Legislators have any particular questions that I can address?

LEG. LINDSAY:

Just that it's the rules that are annexed in this bill, right, that we're going to adopt?

MS. ZIELENSKI:

That's correct.

LEG. CRECCA:

Have you reviewed them?

MS. ZIELENSKI:

I have.

LEG. CRECCA:

And do you think -- do you support these new rules as they have been drafted by Ms. Costigan?

MS. ZIELENSKI:

I do.

LEG. CRECCA:

Were there any changes made to the rules from the time she drafted the rules to now?

MS. ZIELENSKI:

No.

LEG. CRECCA:

Okay. I mean, you know, that you are aware of. In other words, that you made or the County Attorney made.

MS. ZIELENSKI:

No. Not that I'm aware of.

LEG. CRECCA:

And I would ask the County Attorney, I know -- do you believe that -- have the rules reviewed by the County Attorney to see that they comport with our Charter, the Administrative Code, the Constitution of the State of New York and also the Constitution of the United States?

MS. BIZZARRO:

I believe that someone reviewed these in my office. I'm listening to the comment from Legislator Alden, though, and I would like to look at that a little closer. And I would like a little more pointedly at these. But I do believe it has gone through my office for review.

LEG. CRECCA:

You know what? I'm going to make a motion to table -- I don't think one cycle is going to effect this or I'd ask the Director of Real Estate -- so that we can take a further look at these. I know

that there's -- there's an unofficial desire -- I'll call it, because I know nothing's been said -- to hold an auction this September or October on surplus property. But would one cycle effect, if we were to table this one cycle?

MS. ZIELENSKI:

Actually, I think we would like to entertain having an auction earlier than that. And we are hesitant to make any plans to have an auction until the auction rules have been approved.

LEG. CRECCA:

When do you anticipate -- I'm not holding you to it, I understand, but an auction to possible be held at the soonest?

MS. ZIELENSKI:

At the soonest, probably in June.

LEG. CRECCA:

Okay. I'm glad to hear that. I'm encouraged by it.

MS. ZIELENSKI:

But we need at least 90 days, as close to 90 days lead time as we can get to be able to conform to the publication dates, the distribution dates and to be able to establish a location.

LEG. CRECCA:

I mean, when we passed the budget amendment bill at the last General Meeting, one of the things it does call for is revenues to be taken in 2004-2005, mostly in 2005.

MS. ZIELENSKI:

We'd like to think we're self-supporting.

LEG. CRECCA:

Of -- well, I think that we could --

CHAIRMAN ALDEN:

Andrew does too. He likes to think he's self-supporting.

LEG. CRECCA:

Some days I am, some days I'm not. But I think that we can generate somewhere between the area between seven and 410 million if the auction's done that. And I think that goal is attainable, but, you know, in discussions with the County Executive's Office, they've indicated they would not be able to, and again, I don't think speak specifically to the Real Estate Division, they would not be able to hold an auction until September or October. Obviously, you wouldn't want to have one in July or August. That's why I would say tabling, but if you realistically believe that you can get an auction going for June, I would support this, because I think it's more important that we get the auctions going and we can always modify the rules later on if need be.

MS. ZIELENSKI:

If there's a specific question that maybe could be noted in -- further discussion, just a clarification, subject to clarification of the part that you brought up.

CHAIRMAN ALDEN:

Legislator Lindsay has a couple of questions too.

LEG. LINDSAY:

It's really not questions, it's just comments. Most of the rules outlined here seem common sense, you know, about pre-qualifying people so that they don't run out after they're the low bidder and title insurance. I think the only serious question is whether we can bar tax defaulters from bidding on the property. Isn't that your question?

CHAIRMAN ALDEN:

Yeah. And I don't mind moving this today. I would feel more comfortable if we discharge without recommendation and then let Lynne get back to us.

LEG. CRECCA:

I would ask actually as County Attorney as our attorney other than our own Counsel for an opinion either a confidential memorandum or a memorandum regarding this.

MS. ZIELENSKI:

The barring of tax default.

LEG. CRECCA:

Yeah. But I also -- I'd like it on -- also to address overall the auction rules and what the County Attorney -- I know they were up in the County Attorney's office for a lengthy period of time for review, so I'd like to know -- I don't know mean that as a criticism, I'm saying, so I'd like to know what, if any, opinions the County Attorney has regarding this resolution. And with that, I would make a motion to discharge without recommendation.

LEG. LINDSAY:

It certainly seems logical that we should be able to bar people that are defaulting on taxes to the County.

CHAIRMAN ALDEN:

There might be equal protection in there. You know, a couple of other arguments that, you know, might --

LEG. LINDSAY:

I'll go along with the discharge without recommendation.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Yes. I have one specific question. What, if you know, is the current inventories of properties being held by the County under the Tax Act, the amount or the size? You have no idea?

LEG. CRECCA:

It's about 150 parcels, Legislator O'Leary

LEG. O'LEARY:

One hundred and fifty parcels?

LEG. CRECCA:

Correct. I'm not sure if all of those are ready for sale, but I believe all of those 150 parcels all are either ready for sale or close to ready for sale. That's about what the inventory is last I checked with some of the people there.

MS. ZIELENSKI:

The reason I couldn't answer you directly is because of the dates of those maturing titles, and I --

LEG. O'LEARY:

I would ask -- because I'd be interested in seeing those 150 parcels that Legislator Crecca just eluded to. I would ask at the next Ways and Means Committee meeting you supply this committee with a copy of that.

CHAIRMAN ALDEN:

A list of the inventory.

LEG. O'LEARY:

A list of the inventory of the parcels.

LEG. CRECCA:

And actually what you could do too is, because I think that lists exists already, is give -- next to the list, if it's all right with Legislator O'Leary, that we have status of the property. When I say the statu, in other words, is it ready for auction, and if not, why isn't it, what would it take to make it ready for auction. Again, because this is, you know, this can generate some serious revenue for the County.

LEG. O'LEARY:

I don't believe I relinquished the floor, but Legislator Crecca just followed up on my question as usual.

CHAIRMAN ALDEN:

Wait a minute. Let the record reflect, though, that that was Legislator O'Leary's question. It was stolen by Legislator Crecca.

LEG. CRECCA:

I just ask that the official record be changed that Legislator O'Leary gets credit for that question.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. O'LEARY:

I'm not into getting credit as others might be.

LEG. LINDSAY:

Just an observation, the Chairman solved the time problem. He's removed the clock.

CHAIRMAN ALDEN:

No. I was going to point that out. Somebody stole the clock, and I'm going to ask my Legislative Aide, Warren Greene, to look into it. Lock the doors, the clock's missing.

LEG. O'LEARY:

That was a result of my initiative. I kept on looking up at that clock, and it was an hour wrong. It was aggravating me. I kept on looking up, and it was --

LEG. CRECCA:

We still have time to have lunch if you get through this meeting. So there's a motion to discharge without recommendation, Mr. Chairman.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay to discharge without recommendation, seconded by Legislator Crecca. All those in favor? Opposed? That's **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:5-0-0-2) (Not Present; Legis. Vilorio-Fisher and Legis. Mystal).**

1322-2004. Designating Youth Volunteer Day in Suffolk County to honor Suffolk County residents (Melissa Anderson and Jianna Garcia). (COUNTY EXEC)

LEG. LINDSAY:

I make a motion.

LEG. CRECCA:

What?

CHAIRMAN ALDEN:

Can someone tell me what this is, though? Is somebody here from the County Executive's Office that can tell me what this is? Hi, Ivan.

MR. YOUNG:

Basically it's just recognizing these two -- one is a middle school -- I think they're both middle school and junior high students who volunteered who received some recognition. One received a state recognition for volunteer service, another one did some volunteer service in their school. So this is actually just recognizing these two individuals as well as designating the third week in March as Youth Volunteer Day in Suffolk County every year from this point moving forward.

CHAIRMAN ALDEN:

I just have a quick question for you. Now, was the possibility of doing a Executive Office every considered?

MR. YOUNG:

I'm not sure. I wasn't privy to that.

CHAIRMAN ALDEN:

How about a proclamation.

MR. YOUNG:

I wasn't privy to those conversations.

LEG. O'LEARY:

I have a question.

CHAIRMAN ALDEN:

Question from Legislator O'Leary.

LEG. O'LEARY:

Ivan, correct me if I'm wrong. Does not the County Executive have the authority to do this anyway without resolution?

MR. YOUNG:

Yes, he does.

LEG. O'LEARY:

Okay. Thank you.

CHAIRMAN ALDEN:

Well, he wants us to join in.

LEG. CRECCA:

Without beating around the bush, one of our concerns is that this is something that's traditionally been done by either Executive Order or Executive proclamation. You know, generally, we just don't want to see a ton of these resolution coming down. That would be our request. We just thinks it's unnecessary to and, you know, certainly --

CHAIRMAN ALDEN:

We'd rather see more Executive Orders.

MR. YOUNG:

I can assure that after this resolution, I don't think you will see any more of these coming down.

CHAIRMAN ALDEN:

Really? Okay.

LEG. O'LEARY:

Is that a guarantee?

LEG. CRECCA:

I don't think it's a guarantee, but I think it's a fair representation from Mr. Young.

CHAIRMAN ALDEN:

We need to go to Legislative Counsel for one second.

MS. KNAPP:

I may have misunderstood you. Did you say the third week in march? I believe this resolution is for May 1st.

MR. YOUNG:

I don't have it front of me.

MS. KNAPP:

I just wanted to correct the record. I believe it's May 1st every year is going to be Volunteer Recognition Day.

CHAIRMAN ALDEN:

Another question, Lynne Nowick -- I mean, Legislator Nowick, I'm sorry.

LEG. NOWICK:

Just a quick question. If this is going to be May 1st every year, who is going to be choosing the recipient every year?

MR. YOUNG:

I'm not sure. I'm not sure if it's going to be -- perhaps we'll be naming a recipient every year or just having a week for recognizing any --

LEG. NOWICK:

I think it's wonderful to recognize the youth, I just wondered if in the future who is going to be choosing the different young people.

MR. YOUNG:

I just think really in this case, it's to recognize these two individuals, but in the coming years --

CHAIRMAN ALDEN:

We'll swing back to Legislative Counsel for a second.

MS. KNAPP:

Again, I can't be sure. I would refer you to the whereases where it appears that these two young people where recipients of the Prudential Spirit of Community Award, which is a nationwide program. I don't know whether or not that's the way it would continue every year on May 1st, however, that's what the resolution refers to in the whereases.

CHAIRMAN ALDEN:

I'm going to make a suggestion, because, you know, I was kind of leaning to vote against this, but Ivan's convinced me to let this get going.

MR. YOUNG:

Thank you, Legislator Alden. We would appreciate that.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay to approved, seconded by myself. All those in favor? Opposed? 1322 is **approved. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

MR. YOUNG:

The County Executive thanks all of you.

CHAIRMAN ALDEN:

And we thank you for convincing us.

1326-2004. Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 for the Eminent Domain Procedure Law, in connection with the acquisition of the properties for improvements to CR 80, Montauk Highway, Town of Brookhaven, Suffolk County, New York. (COUNTY EXEC)

CHAIRMAN ALDEN:

Explanation. This is for road widening, isn't it?

MS. ZIELENSKI:

Yes, it is. This is located in the east end of Patchogue as Montauk Highway proceeds through to East Patchogue.

LEG. O'LEARY:

I believe this is east of 112 and west of 101.

MS. ZIELENSKI:

That's correct.

CHAIRMAN ALDEN:

Whose district?

MS. ZIELENSKI:

Legislator Foley's district.

CHAIRMAN ALDEN:

I'll make a motion to approve.

CHAIRMAN ALDEN:

Motion by Legislator Crecca to approve, seconded by Legislator Lindsay. All those in favor? Opposed? **Approved. (VOTE:5-0-0-2) (Not Present; Legis. Vilorio-Fisher and Legis. Mystal).**

1328-2004. Adopting Local Law No -- 2004, a Local Law establishing policy and procedure for undercover/covert law enforcement leases. (COUNTY EXEC)

LEG. O'LEARY:

Motion to table.

LEG. CRECCA:

Second.

CHAIRMAN ALDEN:

Motion to table by Legislator O'Leary, seconded by Legislator Crecca.

LEG. LINDSAY:

Question on the issue.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Why do you want to table this? Is there something defective about it?

MS. JULIUS:

The public hearing is set for 4/20.

LEG. LINDSAY:

Oh, we have a public hearing on it.

MS. BIZZARRO:

I was going to speak. Should I hold my comments then?

CHAIRMAN ALDEN:

Yes, because it's going to be tabled. We have a motion to table, we have a second on that. All those in favor? Opposed? That's **tabled** for a public hearing. **(VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1340-2004. Approving the appointment of a relative of a County employee at Suffolk county Legislative Budget Review Office. (Jill Moss). (PRESIDING OFFICER)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator O'Leary, seconded by Legislator Nowick.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

I'd like to know what the relationship is.

CHAIRMAN ALDEN:

And we'll recognize Lynne. Go ahead..

MS. BIZZARRO:

Well, according to the resolution, I believe she is the half sister of Lieutenant Robert VanZeyl of the Police Department. The hiring is covered by Section 6-3 of the Administrative Code. And

basically that code section states that the hiring or promoting of relatives shall not be effective unless or until it is approved by the Suffolk County Legislature. In the events that this woman has already been hired, that should not have been made until the resolution was approved.

CHAIRMAN ALDEN:

This is kind of an example of the whole thought process gone awry. I mean, it's to what? What's the purpose of that law?

LEG. LINDSAY:

Nepotism.

LEG. CRECCA:

If I can ask Counsel to take a look at the whole nepotism statute, because my understand is that Ms. Moss hasn't even spoken to this gentleman who is her half brother, I guess, in, like, over two years. So I guess, what I'd ask Counsel to do is just take a look at the statute, because I think sometimes it's gone a little too crazy and too far. People that -- you know, especially with police personnel that have nothing to do with other branches of County government and all, we should really reexamine possible revisions to it.

LEG. O'LEARY:

Through the Chair.

LEG. CRECCA:

I know of a couple of examples, just for example, where relatives of members of the judiciary have not even -- have not sought jobs or not gotten jobs as a result of having to go through this Nepotism Law. One having nothing to do with the other. So it's -- I think it's gone a little too far and we need to put some parameters on it.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

I'd just like to affirm Legislator Crecca's comments with respect to reevaluating this particular provision in law. It has gone awry, so to speak, with respect to the amount of or types of personnel that come under this Nepotism Law. The initial purpose, I'm led to believe, was one

of policy making individuals throughout the County. Anyone who knows anything about the Police Department knows that Lieutenants have very little, if any, policy making authority within the Police Department. So I think it's important that this matter be reexamined with the eye towards possible amending that particular Nepotism Local Law.

CHAIRMAN ALDEN:

Thank you for your comments. I'm going to make a motion to approve, seconded by Legislator Nowick. All those in favor? Opposed? 1340 is **approved. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

1345-2004. A Charter Law creating a Department of Environment and Energy. (COUNTY EXEC)

CHAIRMAN ALDEN:

This has to be table for a public hearing.

MS. JULIUS:

Yes.

CHAIRMAN ALDEN:

We can't act on it. The most we can do is table it for a public hearing. I'll entertain a motion. Hearing none, seeing none, going once, going twice. This **fails for the lack of motion.**

the only thing else we have on the agenda is an Executive Session, and before we go into Executive Session, I'm going to make a motion to put on the Consent Calender -- just bear with me for a second here -- starting with Introductory Resolution 1241, 1245, **1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1284**, a second by Legislator Nowick. All in favor? Opposed? All right. Those are approved for the **Consent Calender. (VOTE:5-0-0-2) (Not Present; Legis. Viloría-Fisher and Legis. Mystal).**

Now we're going to go into Executive Session.

LEG. LINDSAY:

Did we get to Sense Resolutions.

CHAIRMAN ALDEN:

We didn't have any. It was tabled subject to call. So we're going to allow into the Executive Session --

MR. FAULK:

Mr. Chairman, 1241 can't go on the Consent Calender, it wasn't a unanimous vote.

CHAIRMAN ALDEN:

1241. I'm sorry. Right. Strike that. 1241 is not on the Consent Calender.

MR. FAULK:

And 1245 failed.

CHAIRMAN ALDEN:

I said 1241 and 1245? Wow. 1241 and 1245 are not on the Consent Calender. Everything passed that is. Thank you very much for that catch.

All right. We're exempting people from the County Attorney's Office, their designees, Legislators that might be here, any Legislative Aides that would have or play an active part in the Executive Session and any experts that the County Attorney's Office has designated. We're going to go into the back room here. And then we'll coming out of Executive Session to close this committee meeting.

(AN EXECUTIVE SESSION WAS HELD FROM 11:55 A.M. UNTIL 12:05 P.M.)

CHAIRMAN ALDEN:

It's 12:05 in the p.m. we're out of Executive Session. We're back in full committee session. The Chairman was authorized to sign off on some documents that will be coming over from the County Attorney's Office in regards to a lawsuit. At this point, motion by Legislator Nowick, seconded by Legislator O'Leary to close the committee meeting. All in favor? Opposed? We stand adjourned at this point. Thank you.

(* THE MEETING WAS ADJOURNED AT 12:05 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY